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SAN FRANCISCO ARTS COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

AGENDAS AND MINUTES

1989 – 1992

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STREET ARTISTS PROGRAM COMMITTEE

May 24, 1989
Main Library-Civic Center
Lurie Room
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 3:30 p.m.

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Art Agnos

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Kim Fowler
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I PROGRAM DIRECTOR'S REPORT ON STREET ARTISTS PROGRAM BUDGET AND CERTIFICATE FEE FOR 1989-90

Program Director Howard Lazar reported that last year's street artist certificate fee of $230 a year would be maintained for 1989-90. This will allow the Arts Commission some flexibility in the number of artists certified and supporting the Program. While new artists are screened and certified each month, the $230 fee lessens the pressure on the Commission to replace those artists who drop out of the Program immediately with those who enter the Program. The fee was proposed last year by a petition of 87 street artists who expressed that, with fewer spaces in which to sell, they preferred to pay a higher fee (than that which was recommned by the Director) which would not require the maintenance of the present number of artists to support the Program and which would increase an artist's opportunity in the lotteries for sales spaces. It was calculated that, in addition to using the revenue from this increased fee, the Program would draw one-third from its reserve of unused fees (deposited from previous years) to absorb the difference between the Program's costs and its revenue. At the time the new fee was accepted by the Commission and approved by the Board of Supervisors, there were 566 artists in the Program. Now, Mr. Lazar reported, there were 510. The Program, he said, could still support itself if the number dropped to 486 while the Program used another one-third of its reserve.

Mr. Lazar said that he recently reviewed the Program's budget with the committee of street artists known as the Street Artists Liaison Committee on Matters of Program Budget and Personnel. The Liaison Committee had requested that the Director's budget proposal as well as two other proposals by some of the Liaison Committee members be reviewed by the Street Artists Program Committee. One proposal was to lower the fee to $200 by maintaining the present number of 510 artists and by using all of the reserve. Mr. Lazar said this would require going to the Board of Supervisors for a new fee ordinance. It would be contrary to the wishes expressed by last year's petition of artists. And, finally, the usage of the entire reserve for the year was contrary to the advice given to the Commission by the Controller's office - that is, a depart-

Continued.....

ment should try to keep in reserve sufficient funds to cover at least one month's operational costs, and that it was "fiscally prudent" to use a third of the reserve for each of the ensuing three years.

Commissioner Genera called for questions from Commissioner Eichelbaum and the audience with regard to Mr. Lazar's presentation. There were none.

II RECOMMENDATION FROM STREET ARTISTS LIAISON COMMITTEE AND STAFF TO AMEND ARTS COMMISSION POLICY ON "GRANTING PRIORITY IN ISSUANCE OF NEW CERTIFICATES TO FORMER CERTIFICATE-HOLDERS"

Program Director Lazar explained that street artists have a grace period for renewing their certificates. They may renew them within ten office working days prior to or after the certificate's date of expiration. If an artist fails to renew, his certificate expires. He may re-apply, but his application will go to the end of the waiting list (which is currently two and a half years long). Because many artists fail to renew due to forgetfulness, a lack of money at the time, being out of the country, entrusting a friend to renew on their behalf, and other reasons which do not represent a decision to leave the Program, the Arts Commission in 1979 adopted a policy to consider granting a new certificate in such cases. This policy provides for such consideration if the artist files an appeal within ninety days of his certificate's expiration. If more than ninety days have elapsed, the only type of case which the policy allows for consideration is an artist who submits medical evidence asserting that his reason for failing to renew was due to a medical condition.

Since 1979, Mr. Lazar reported, the Commission has heard and approved many cases with submittal of medical reasons. There have also been several "special" or "extraordinary" cases which the Commission approved that did not deal with medical reasons. Regardless of its policy, it is within the Commission's power to grant such consideration. This was affirmed in 1983 by the City Attorney: The Arts Commission, as per its powers under the Municipal Code, may exercise its "sound discretion" as to whether a certificate should be granted or denied. The Street Artists Liaison Committee felt that there are several cases which should be re-admitted to the Program because they would be a benefit to the Program. The Liaison Committee voted to submit to the Program Committee and Arts Commission the following amended policy (additions to language underlined; deletions in double parentheses (( ))):

> GRANTING PRIORITY IN ISSUANCE OF NEW CERTIFICATES TO FORMER CERTIFICATE-HOLDERS: The only cases for consideration shall be those who file an appeal within ninety (90) days of the date of their certificate's expiration, with the exception of those cases who submit with their request documentation of medical or other significant reasons for inability to renew. As per Section 26 of Part III of the San Francisco Municipal

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Code, the Arts Commission may exercise its sound discretion as to whether a certificate should be granted or denied. All ((cases)) former certificate-holders whose appeals were filed after ninety days of the date of their certificate's expiration and whose appeals are approved for the issuance of a new certificate must be re-screened by the Advisory Committee before certification is granted.

Mr. Lazar stressed the Commission's authority to exercise its sound discretion in considering such cases, that the Commission was not obliged to approve everyone who request priority. Also the Commission could hold a hearing at any time to review the policy and decide on continuing it, amending it, or rescinding it.

Commissioner Eichelbaum felt there would be no problem with the additional language and that it appeared to be a mild addendum to the present policy. Commissioner Genera felt that the proposal was fair.

Commissioner Eichelbaum moved that the policy as amended be recommended to the full Commission for approval; the motion was seconded by Commissioner Genera and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Mr. Lazar submitted a list of former certificate-holders who had recently reported the loss of their certificate, each within ninety days of the certificate's expiration:

A. Genevieve Simpson - Certificate #2637 expired February 26, 1989; her payment for renewal was mailed May 2, 1989.

B. Carol Foster - Certificate # 3090 expired February 24, 1989; her request for certificate was received May 11, 1989.

C. Angela Smidt - Certificate #3519 expired March 29, 1989; her request for certificate was received May 15, 1989.

D. Hubert Ortis - Certificate #3520 expired April 3, 1989; his request for certificate was received May 15, 1989.

E. Cosmos Osonzi - Certificate #3380 expired April 27, 1989; his request for certificate was received May 15, 1989.

F. Uchenna Osonzi - Certificate #3381 expired April 27, 1989; her request for certificate was received May 15, 1989.

G. Soon Ja Ku - Certificate #3081 expired April 30, 1989; her request for certificate was received May 16, 1989.

H. Alice Blandy - Certificate #3320 expired May 5, 1989; her request for certificate was received May 22, 1989.

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I. Fen-Ying Chen - Certificate #3507 expired May 3, 1989; her request for certificate was received May 24, 1989.

Commissioner Eichelbaum moved that the requests for new certificate by the above former certificate-holders be recommended for approval; the motion was seconded by Commissioner Genera and unanimously approved.

J. Sandra O'Brien - Certificate #3070 expired January 1, 1985; her request for certificate was received on April 21, 1989. Commissioner Eichelbaum noted that Ms. O'Brien had allowed four years to lapse since the expiration of her certificate. Ms. O'Brien said that she wanted to return to selling on the streets on a part-time basis and wanted to become involved again with the street artist issues. She referred to her letter to the Commission which detailed her chairmanship of the Commission's "blue ribbon committee" of street artists and merchants who drafted legislation to improve the Program, and her involvement with street artist issues since the beginning of the Program. In response to the Commissioners' questions, she said that she used to sell watercolor paintings, enamelled items, and artistic buttons (these made with her son Kristan Pokorny).

Commissioner Eichelbaum moved that Ms. O'Brien's request for new certificate be recommended for approval; the motion was seconded by Commissioner Genera and unanimously approved.

K. Kristan Pokorny - Certificate # 2592 expired August 3, 1983; his request for new certificate was received on April 21, 1989. Commissioner Eichelbaum noted that Mr. Pokorny was requesting a new certificate after his former certificate had expired five years previously. Mr. Pokorny told the Commissioners that he intended to sell art-buttons similar to those referred to by his mother, Sandra O'Brien. He said that he spends his days on Beach Street among the street artists, cleaning up the sidewalk and compensated by donations from the artists. (The Program Committee had received a four-page petition of street artist signatures requesting that Mr. Pokorny be reinstated in the Program.)

Commissioner Eichelbaum moved that Mr. Pokorny's request for new certificate be recommended for approval; the motion was seconded by Commissioner Genera and unanimously approved.

Mr. Lazar told Ms. O'Brien and Mr. Pokorny that they would be notified for a screening of their wares in June.

IV REQUEST BY APPLICANT FOR PRIORITY SCREENING AND ISSUANCE OF CERTIFICATE

A. Gregory Kiefer - applied on April 2, 1985; notification for screening was mailed to Mr. Kiefer on October 30, 1987, but mail was returned. His request for priority was received by office on May 2, 1989. Commissioner Eichelbaum moved that Mr. Kiefer's request for priority

Continued.....

be recommended for approval; the motion was seconded by Commissioner Genera and unanimously approved.

V REQUEST FROM STREET ARTISTS AND STAFF FOR RE-DESIGNATION OF SELLING SPACES "L-1" and "L-2" (LEAVENWORTH STREET, WEST SIDE, BEACH TO JEFFERSON STREETS) BY EXEMPTING SPACES FROM DOORWAY REGULATION

Program Director Lazar explained that in the primary allocation of street artist spaces designated by the Board of Supervisors in 1977, ten spaces were designated on Leavenworth Street, west side, Beach to Jefferson Streets. These ten spaces have been used traditionally and exclusively by portrait- and cartoon-street artists. In fact, the Arts Commission in 1980 established a special lottery to be run by, and to assign the ten spaces to, the portrait and cartoon artists. The spaces have been used peacefully; there have been no incidents of blockage of doorways or thoroughfare or any other problems. In recent times, a doorway was created in the Cannery building which fronts the spaces. The doorway is directly adjacent to the two best spaces, "L-1" and "L-2" at the corner of Leavenworth and Jefferson Streets. The problem is that, according to regulation, a street artist space cannot be within twelve feet of the outer edge of a doorway, unless exempted from this regulation by the Board of Supervisors. The portrait artists and the staff of the Program were requesting the Arts Commission to ask the Board of Supervisors to re-designate the two spaces by exempting them from the doorway regulation (Ordinance 41-83, Section 2405 (c)(6)).

Mr. Christopher Martin, General Manager of The Cannery, told the Commissioners that the Gourmet Market is using the described doorway; while it is not their main doorway, it is a potentially active door.

Commissioner Eichelbaum asked Mr. Martin whether he objected to the proposed re-designation of spaces. Mr. Martin replied that he did not object, but that The Cannery and he felt strongly about maintaining the spaces for the exclusive use of portrait and cartoon artists. He wanted to see the re-designation contingent upon the exclusive use of the spaces by these artists, or, if not, then contingent upon an annual review by The Cannery. Mr. Martin said that the portrait artists provided "a break from a lot of commercial activity" at the Wharf, and that their presence was conducive to the area.

Mr. Lazar stated that when an artist receives a certificate, the certificate is valid for <u>all</u> spaces designated by the Board of Supervisors. The Leavenworth spaces have for years been used only by the portrait artists because the lighting and the shelter from the wind are ideal for their work. No other type of street artist has wanted to sell there. On the other hand, any artist has the right to use the spaces and can very aptly challenge the Arts Commission's lottery for portrait artists only. Since the Commission cannot guarantee the exclusive occupation of these spaces by portrait artists, it would be worthwhile to request that the spaces be re-designated subject to annual review by The Cannery. This would be

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in keeping with other instances in which the Board of Supervisors designated specific spaces as "temporary" - that is, subject to review by the Board of Supervisors. The resolution for re-designating the two spaces could be written for a one-year term, which would allow for annual review by The Cannery, the Arts Commission, and the Board of Supervisors.

Commissioner Eichelbaum asked how the portrait artists felt about this. (The portrait artists attending were Louis Welsh, Barry "Lefty" Prager, Keith Donube, and Martin Butschek.)

Street Artist Louis Welsh drew a diagram on the blackboard, showing the directions of wind and customer viewing in reference to spaces "L-1" and "L-2." The two spaces, he maintained, exist in a virtually wind-free location. Also, they are viewed by traffic from both directions - Leavenworth and Jefferson Streets. The interest generated by the two spaces pulls the eye of the passerby to the other portrait artist spaces. Mr. Welsh expressed difficulty in working in street artist spaces elsewhere because of the wind conditions - especially since a portrait takes about twenty minutes, and the customer has to remain still during that time. He said that the lottery for the portrait artist spaces works smoothly. He added that the new owner of the store adjacent to the spaces has said that the side door would not be in use, that the main entrance would be the Jefferson Street door.

Commissioner Genera asked him how the portrait artists would feel if the spaces were made available to other artists. Mr. Welsh replied, "It would kill it."

Street Artist Barry "Lefty" Prager asked, if the spaces were re-designated on a year-to-year basis, whether it would be possible to avoid reviewing the matter during the month of July (traditionally the best time of year for portrait artists). Mr. Lazar responded that the month for such annual review could be written into the Supervisors' legislation and could be during the slower time of year, as January to March.

Street Art Inspector Barbara Noakes told the Commissioners that if the two spaces were not re-designated, they would, in all likelihood, be occupied daily by the charitable solicitors. She testified to her walking the beat with the Police during the past several weekends, monitoring the activities of the charitable solicitors, oftimes catching them occupying street artist spaces. The two spaces, she said, could also be open to other vendors, even the tarot reader who works on the sidewalk around the corner.

Commissioner Eichelbaum moved that the Commission approve the concept of re-designating selling spaces "L-1" and "L-2" (Leavenworth Street, west side, Beach to Jefferson Streets) by exempting them from the doorway regulation (Ordinance 41-83, Section 2405 (c)(6)), and that such re-designation be on a year-to-year basis; the motion was seconded by Commissioner Genera and unanimously approved.

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VI REQUEST FROM STREET ARTISTS AND STAFF FOR DESIGNATION OF FORMER CHRISTMAS SELLING SPACES "Z-36" AND "Z-37" (GRANT AVENUE, WEST SIDE, POST TO SUTTER STREETS) AS PERMANENT YEAR-ROUND SELLING SPACES

Program Director Lazar submitted a map of the location, Grant Avenue at Post Street, showing the present five permanent year-round selling spaces adjacent to Shreve & Company. Next to these, closest to the corner of Post Street, are two temporary spaces, "Z-36" and "Z-37," that have been designated for the artists' usage during the past three Christmas seasons. Recently, Mr. Lazar received a complaint from the artists that the two spaces were attracting charitable solicitor groups. The artists asked him to help obtain the spaces for them as permanent year-round spaces. The two spaces conform to all the regulations governing street artist locations; the Arts Commission would not have to ask for an exemption from any regulation. In terms of the artists' conduct, it has been a very peaceful area; business-wise, a very lucrative area. Referring to Art Inspector Noakes' testimony during the previous item on the agenda, Mr. Lazar stated that the threat does exist for these spaces, if not occupied by street artists, to be occupied by the non-profits. Mr. Lazar added that he had contacted the office of the President of Shreve's, and the President, through his secretary, had said that he had no objection to the porposal.

Mr. Ed Lawson, Executive Director of the Union Square Association, stated that he had talked to some of the merchants in the area and had also looked at the site and that he suspected that the reason the two corner spaces had not been designated as year-round spaces at the time of the original designation of spaces was because of some intervention by the manager of Shreve's to keep the artists back from the store's main corner entrance. Mr. Lawson said that at the present time Shreve's is not making any comment on the issue. The other merchants in the area, he said, see no problem in the request. The matter was brought before his Board of Directors who felt that there were two issues involved. One issue was to use the two spaces instead of two already designated further down the street. The other issue was deciding on whether to allow for two additional permanent spaces in the Union Square area, or to transfer one location to another. The Board of Directors, he said, approved of the concept of transfering the two spaces to the more advantageous location and making the transfer complete by rendering the two relinquished spaces into temporary Christmas spaces. The Directors, he said, did not want to see additional spaces designated on a permanent basis in the Union Square area. They were having problems with the charitable solicitors. His organization is a party in legislation with the City to have the court overturn the appeal which has been sustained concerning regulations of the charitable solicitors.

Commissioner Eichelbaum stated that the charitable solicitors are not street artists and do not work through the system.

Mr. Lawson responded that his group is nevertheless having a problem in all regards with being swamped in the area, and they did not want

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to give any indication that they feel there is room for more permanent locations in the area. He felt that the City Attorney would concur that this is the best policy to follow at this time.

Commissioner Eichelbaum asked Mr. Lawson if he had any objections to eliminating two less desirable spaces elsewhere in the Union Square area, not necessarily on Grant Avenue. Mr. Lawson replied that the question had not been put to his Board in that way; it had been, simply, should there be a swap?

Mr. Lazar clarified with Mr. Lawson that if temporary spaces "Z-36" and "Z-37" were made permanent, then the last two permanent spaces on the same side of the block, "Grant-10" and "Grant-11", would be re-designated as temporary spaces.

Street Artist Linda Pedersen stated that the artists would prefer to save "Grant-10" and "11" and relinquish two spaces on the other side of the street, "Grant-24" and "25", or two spaces in the next block (between Sutter and Bush Streets).

Mr. Lawson said that while the question of swapping spaces from elsewhere in the area was not put to his Board, he observed that at the present time there was a large number of spaces, counting both permanent and temporary, adjacent to one business. He questioned whether one business should be asked to bear that large a burden. He added that the artists interfered with the viewing of Shreve's windows.

Commissioner Genera asked how Mr. Lawson's Board would feel if two spaces from further up the street were swapped. Mr. Lawson responded that the new number of spaces next to one business would be excessive to the area. Too many spaces next to one business, he said, tends to work against that business. His group preferred a more even spread of spaces.

Commissioner Eichelbaum asked Mr. Lazar how he felt about the swapping of spaces. Mr. Lazar said he preferred to see spaces further up the street swapped; however, if the merchants opposed this, he would favor swapping the last two spaces, "Grant-10" and "11." The two at the corner ("Z-36" and "Z-37") were the best spaces.

Street Artist James Billy said that if the merchants were concerned about the number of spaces, there are eight to ten on the other side of Grant Avenue that could be relinquished, as they are never used. But the present number of five permanent spaces (by Shreve's) are always used on Fridays and Saturdays and should not be given up.

Ms. Pedersen said that the presence of artists on the weekends in all the spaces by Shreve's has kept out musicians, charitable solicitors, and unlicensed peddlers.

Street Art Inspector Noakes stated that there was only one occasion when

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she saw a person obstruct a Shreve's window, and that was a musician on the previous weekend.

Ms. Pedersen stated the part of Grant Avenue by Shreve's is the only wind-protected area in that entire section of the street. She added that she is of the impression that she and the other artists are on good terms with the management and security personnel of Shreve's. If the artists had to lose the two permanent spaces "Grant-10" and "11", it would be a hardship for them on Saturdays.

Commissioner Genera said he had no objection to endorsing making the two corner spaces as permanent, but he was willing to swap them for two less desirable spaces. The street artists, he said, are no there as decorations; they are there to make money, to sell, and there was no reason why they should not be given a better opportunity to do that. If two spaces further up the street do not meet the purpose, why can't they be swapped for the two that will? It did not seem to him that this would hurt anyone, especially since the management of Shreve's did not object to this.

Commissioner Eichelbaum asked Mr. Lawson to ask his Board the following question: If the President of Shreve's still has no objection, would the Board feel that the swapping of two spaces further up the street (between Sutter and Bush)is undesirable? Mr. Lawson said he would look into the matter. He said that seven permanent spaces by one business were being considered, and that his group felt that one business should not have a "yes" or "no" say about what happens on one block, because it affects their whole area.

Commissioner Genera moved that the issue be continued to the Program Committee meeting next month; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VII NEW BUSINESS

The Commissioners, the Program Director, and the Art Inspector discussed the necessity of creating a marketplace for street artists, not in lieu of street locations but a separate area - preferably, indoors for winter, highly publicized, with plenty of parking for the artists and their customers, and in an area conducive to arts and crafts selling.

The Commissioners decided that the next Program Committee meeting would be held on Wednesday, June 21st, 3:30 p.m.

Commissioner Genera moved that the meeting be adjourned; the motion was seconded by Commissioner Eichelbaum and unanimously approved. The meeting adjourned at 5:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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STREET ARTISTS PROGRAM COMMITTEE

June 21, 1989
Department of Public Health Building
Room 402
101 Grove Street
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 3:30 p.m.

I HEARING ON ALLEGED VIOLATION

Bruce Krutel and Marci Brooks - Certificates # 484 and # 1266. Alleged violation: Occupying a sales space properly marked and reserved for another artist (Ordinance 41-83, Section 2405(c)(11): "street artists shall sell ... not within five feet of the display of any other artist").

Program Director Lazar described the sales space "occupancy rule" which was drafted by the artists of the Street Artists Liaison Committee and approved by the Arts Commission: When an artist selects a space through the lottery system, the artist must set up in the space by 12:00 noon; if the artist cannot be present by noon, he must leave part of his working display with his lottery slip attached to show clearly that he intends to return and work in the space. He is not required to occupy the space during the day; he may work in the space at any time until midnight. In his absence, no one else can sell in his space, except prior to 11:45 a.m..

In relation to this rule, Mr. Lazar reported, Beach Street Space #29 was signed in for in the lottery by artist Mark Monsarrat on Saturday, April 22, 1989. Mr. Lazar submitted the original lottery sign up sheet which showed Mr. Monsarrat's name entered beside the number "29." On that day, he said, the Art Inspector found that Mr. Bruce Krutel and Ms. Marci Brooks (at different times of the day) were occupying the space. Mr. Lazar submitted photographs of Mr. Krutel and Ms. Brooks and their display in "B-29", as taken by the Inspector. Mr. Lazar pointed to the adjacent display in space 28 belonging to artist Silina Kreisel who, he said, gave witness testimony to the Inspector that Mr. Krutel was selling in Mr. Monsarrat's space. Mr. Lazar asked that the Inspector, Ms. Barbara Noakes, give the details of her report.

Ms. Noakes told the Commissioners that on her routine inspection of Beach Street on April 22, she noted that Mr. Krutel and Ms. Brooks

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were selling in space 29 and asked them to vacate the space. She explained the occupancy rule to Mr. Krutel who, she said, disputed the rule and refused to vacate. She passed by later in the day and took another photo of Mr. Krutel. She said that he and Ms. Brooks told her that they felt entitled to the space until Mark Monsarrat appeared. According to the rule, Ms. Noakes told the Commissioners, Mr. Monsarrat would not be required to negotiate for his space upon his arrival, by virtue of his having claimed the space through the lottery and having duly marked it. The lottery member who had run the lottery that morning, Marshal Brewster, had told her that he had seen Monsarrat mark the space. Also Silina Kreisel had told her that she had seen Krutel put Monsarrat's chair into his (Krutel's) van.

Commissioner Eichelbaum asked if anyone had heard from Monsarrat that day. Ms. Noakes replied that he did not show up. She added that he was not required to show up at any particular time; or he could have arrived at any time after she left duty at 5:00 p.m., or he could have arrived while she was elsewhere on her rounds. She read her account of the incident from her logbook.

Mr. Krutel stated that the "story was more perjury than truth," and that Mark Monsarrat never did show up because he got sick that day. When he, Krutel, asked the Art Inspector to see the Program handbook, she was not able to produce the rule she was quoting him.

Ms. Brooks stated that the Inspector never actually said that they had to leave, and that she could not produce the rule for them. Ms. Brooks added that there was no lottery slip at the space when Mr. Krutel set up his display, and that the chair was not Monsarrat's chair; therefore Monsarrat had not "marked" the space.

Mr. Krutel interjected that the chair belonged to artist Patricia Lloyd. (Ms. Lloyd was present at the hearing.)

Ms. Brooks went on to say that Monsarrat got sick, and Ms. Lloyd had placed her chair in his space. Ms. Brooks and Mr. Krutel, therefore, did not hide Monsarrat's chair; they were returning Ms. Lloyd's chair to Ms. Lloyd.

In reply to Commissioner Eichelbaum's questions, Mr. Krutel and Ms. Brooks stated that they were aware that Monsarrat had become ill, and that they did not think he would return that day. Ms. Brooks said that "someone else had removed" Monsarrat's slip, but she did not intend to say who it was.

Mr. Krutel produced a lottery slip issued to him for the space that day by lottery member Marshal Brewster. Ms. Brooks produced a letter dated June 10, 1989 from Mr. Brewster which stated:

> ... I was not an eyewitness to the alleged violation.
> I did write Bruce a blue-slip after it was established

Continued.....

> Mark was ill and unable to work. This blue-slip was not part of the 12:00 noon-rule. There was no one else interested in the space. I am unable to attend this hearing. ...

Mr. Lazar stated that he had contacted Mr. Brewster to appear as a witness. (Neither Mr. Brewster nor Ms. Kreisel nor a third witness who had contacted the Program, Claudia Hart, were present.)

Commissioner Eichelbaum said that he considered this case to be a misunderstanding. It appeared that no one was really at fault.

Ms. Lloyd testified that the chair in Monsarrat's space was her own, and that Monsarrat had asked her to place it there because he was ill and was going to go home to sleep for a few hours. In response to Commissioner Genera's questions, she stated that Monsarrat had intended to return and that he left his slip on her chair. Krutel, she said, later returned the chair to Ms. Lloyd's mother who needed to sit down.

Mr. Krutel stated that after 12:00 noon he saw that the space was vacant, he knew Monsarrat was ill, and he had Marshal Brewster sign him in for the space. Ms. Brooks added that they were not keeping anyone else from the space, as no one else wanted it.

Mr. Lazar stated that, in view of the submittal, for the first time, of the letter from Mr. Brewster and the lottery slip, and in view of the fact that none of the requested witnesses for the Program appeared, the Program no longer had a preponderance of evidence to find Mr. Krutel and Ms. Brooks in violation.

Commissioner Eichelbaum moved that the charge against Mr. Krutel and Ms. Brooks be dismissed; the motion was seconded by Commissioner Genera and unanimously approved.

II REQUEST FROM STREET ARTISTS AND STAFF FOR DESIGNATION OF FORMER CHRISTMAS SELLING SPACES "Z-36" AND "Z-37" (GRANT AVENUE, WEST SIDE, POST TO SUTTER STREETS) AS PERMANENT YEAR-ROUND SELLING SPACES

At the last Street Artists Program Committee meeting, May 24, 1989, Commissioner Eichelbaum asked Mr. Ed Lawson, Executive Director, Union Square Association, to ask his Board if they would not object to the designation of the two Christmas spaces, "Z-36" and "37", as permanent spaces by swapping two permanent spaces further up the street rather than by swapping adjacent permanent spaces "G-10" and "11"; and to verify the position of Shreve's & Company on this matter.

Mr. Lawson submitted a letter from Peter Fogel, President of Shreve's, informing Mr. Lawson that Shreve's was not in favor of increasing the number of street artist spaces next to the store. Mr. Lawson added

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that the position of his Board had not changed; they still wanted to see a trade of "G-10" and "11" for the permanent designation of "Z-36" and "37", that there not be an increase in the number of spaces by Shreve's.

Street artists Linda Pedersen and Jim Billy stated that the personnel of Shreve's had been extremely friendly to the artists and had referred customers to them; it seemed to them it was only the President of the company who was not supporting their request to retain "G-10" and "11" while obtaining the adjacent "Z-36" and "37" as permanent spaces. Ms. Pedersen, Mr. Billy, and artist Patricia Lloyd said, however, that they would rather accept the Union Square Association's proposal rather than not obtain "Z-36" and "37" as permanent.

Commissioner Genera asked Mr. Lawson if his group was aware that once "G-10" and "11" became non-designated street artist spaces, the spaces would be available to non-profit solicitors. Mr. Lawson replied that his organization considered that to be a separate issue which they were working on.

Commissioner Genera moved that the Commission request the Board of Supervisors to designate former Christmas selling spaces "Z-36" and "Z-37" as permanent year-round selling spaces for street artists, and to rescind permanent selling spaces "G-10" and "G-11" and to designate them as temporary Christmas selling spaces; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

III Irena Stein. The Committee noted that Ms. Stein was screened and approved for certification on March 27, 1989, but was out of the country during the ten-day grace period for purchasing her certificate, and that her request to be allowed to purchase her certificate was received by the Program on June 9, 1989.

Commissioner Eichelbaum moved that Ms. Stein's request for priority in the issuance of a certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

IV REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. John M. Richardson - Certificate #2482 expired August 17, 1981; his request for certificate was received on May 15, 1989. Mr. Richardson told the Commissioners that he became seriously mentally ill before his certificate expired. He was put on massive doses of medication. He was hospitalized, then was in a board and care for five years, then in a day treatment center where he received therapy on a daily basis for three-and-a-half to four years. As a result of receiving

Continued.....

this help and of making great effort on his part, he was able to overcome his disease. He said he realized that the amount of time which had elapsed was extraordinary. His psychiatrist (Lawrence B. Lurie) had sent the Program a letter verifying his account. He wanted to work again.

In answer to Commissioner Eichelbaum's questions, Mr. Richardson said he used to make macrame plant hangers and glass vases, and now he was making stained glass candleholders for which he was seeking certification as a street artist.

Commissioner Eichelbaum moved that Mr. Richardson's request for priority in the issuance of a certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Joseph Beckman - Certificate #3302 expired October 6, 1988; his request for priority certification was received on May 2, 1989. Mr. Beckman told the Committee that he went on an Asian "sketching tour" - to Seoul, Hong Kong, Bangkok, Tokyo - and lost his American address book and had problems getting friends in the United States to send him the correct business addresses. As soon as he received the address of the Street Artists Program, his certificate had already expired.

Commissioner Eichelbaum moved that Mr. Beckman's request for priority in the issuance of a certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

C. Todd Strong - Certificate #3323 expired May 19, 1989. Mr. Lazar explained that Mr. Strong was in France and had sent in his renewal fee on time but that the Program could not process it without his having done his business tax registration with the City Tax Collector. The Program sent his fee back to him and informed him he had to complete the tax registration step in order for his street artist certificate to be renewed. In the meantime, his street artist certificate expired. Mr. Lazar recently checked with the Tax Collector's office and found that Mr. Strong had still not registered, or that his application had not been received. Mr. Strong, he said, showed clearly his intent to remain in the Program by sending his fee on time.

Commissioner Genera moved that Mr. Strong's request for priority certification be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V NEW BUSINESS

The Committee decided to set the date for the next meeting as Wednesday, July 19, 1989, at 3:30 p.m.

Commissioner Genera moved that the meeting be adjourned; the motion was seconded by Commissioner Eichelbaum and unanimously approved. The meeting adjourned at 4:15 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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7/19/89

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Fine Arts Museum
Library Commission,
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Commission

DIRECTOR
Claire N. Isaacs

STREET ARTISTS PROGRAM COMMITTEE

July 19, 1989
Public Health Building, Room 302
101 Grove Street
San Francisco, California

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M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 3:30 p.m.

I REQUEST BY APPLICANTS FOR PRIORITY SCREENING AND ISSUANCE OF CERTIFICATE

A. Linda Barrett Solari and Dante Solari - Program Director Lazar reported that Linda Barrett Solari and Dante Solari had applied for certificates on July 30, 1986, and were notified for screening on November 17, 1988, but the notice was returned to the office as non-forwarded mail. The Solaris' request for priority was received by the Program on July 6, 1989.

Commissioner Eichelbaum moved that Linda Barrett Solari and Dante Solari's request for priority screening and issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Kee Ying Yee - Mr. Yee applied November 30, 1982, and was notified for screening on March 26, 1985, but he did not appear. Mr. Yee submitted his request for priority screening and issuance of certificate on July 17, 1989. Mr. Yee was present at the Program Committee meeting. His son interpreted his responses to questions by the Commissioners. Program Director Lazar told the Commissioners that Mr. Yee had explained to him that he had waited two and a half years for his screening of wares, but he missed the screening because he was working as a full-time janitor in restaurants and at the time was not prepared to sell on the streets. Now he was no longer able to work as a janitor due to an inability to move his arm from its having been broken several years before. This is why he wanted his opportunity for a screening and permit.

Commissioner Eichelbaum ascertained that Mr. Yee would sell his paintings as a street artist. The Committee observed that he had already waited the customary two and a half years for a street artist permit.

Commissioner Eichelbaum moved that Kee Ying Yee's request for priority screening and issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously

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approved. It was verified that Mr. Yee had changed his name now to Chi Ying Ru.

II REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Esther Kahn - requested postponement of screening to July, 1990. Commissioner Genera moved that Esther Kahn's request for postponement of screening be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Terry Harms - Certificate #3346 expired May 4, 1989; Mr. Harms' request for certificate was received by the Program on July 10, 1989. Program Director Lazar explained that Mr. Harms' case was similar to one which the Committee had heard at its previous meeting: the artist had been in the process of submitting his business tax registration paperwork to the Tax Collector's office by mail when his certificate's grace period for renewal expired. Commissioner Eichelbaum moved that Terry Harms' request for priority in issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Charles Groth - Certificate #1027 expired January 28, 1989; Mr. Groth's request for issuance of certificate was received July 14, 1989. Commissioner Genera moved that Charles Groth's request for priority in issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. Susan Quinn - Certificate #3472 expired April 28, 1989; Ms. Quinn's request for issuance of certificate was received July 17, 1989. Commissioner Genera moved that Susan Quinn's request for priority in issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV HEARING ON INFRINGEMENT OF LOTTERY GUIDELINES BY LOTTERY MEMBER

A. Michael MacDonald. Program Director Lazar referred the Committee to the Lottery Guidelines which state that when a lottery member fails to appear at two consecutive lottery committee meetings or fails to run two of his scheduled lotteries, the Arts Commission may dismiss him from the lottery committee. After placing this matter on the Program Committee agenda, Mr. Lazar received word from the lottery committee that Mr. MacDonald had resigned from the committee; it was therefore moot to dismiss him. For the record, however, Mr. Lazar reported that, according to the lottery committee, Mr. MacDonald had

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failed to run his scheduled June 10th and July 1st lotteries. Commissioner Genera asked that it be noted that Mr. MacDonald had resigned from the lottery committee.

V REQUEST FROM STREET ARTIST BILL CLARK FOR ARTS COMMISSION TO REQUEST CITY ATTORNEY FOR OPINION ON ADMINISTRATIVE CODE SECTION 10.80 IN RELATION TO SPECIAL FUND OF STREET ARTISTS PROGRAM

Street Artist Bill Clark submitted to the Commissioners copies of San Francisco Administrative Code Section 10.80; San Francisco Charter Sections 6.402 and 7.704; the August 14, 1987 letter from Deputy City Attorney Mark Kertz to Claire N. Isaacs and Howard Lazar re: Street Artists Program Usage of Unused Certificate Fees; and the wording of a proposed resolution drafted by Mr. Clark for adoption by the Arts Commission.

Mr. Clark told the Commissioners that the Street Artists Program's fund is a special fund which collects all the street artist certificate fees which are then appropriated for the purposes required by the Program. Under the present procedure, it is necessary for the Arts Commission to go to the Board of Supervisors, in public hearings, for approval to make expenditures from the street artist money. Mr. Clark called the Committee's attention to the various code sections he submitted which he felt were relevant to this fund. He asked that the Committee consider requesting the Arts Commission to request the City Attorney for clarification as to whether the code sections did indeed apply to the Street Artists Program fund.

Mr. Clark referred the Committee to an excerpt from Deputy City Attorney Mark Kertz's August 14, 1987 letter-opinion: "... Absent legislation establishing a special fund for the Program (as there is now) for the deposit of fee monies, such monies are deposited into the general fund fungible with other city monies. ..." Mr. Clark clarified that within this statement there was clarification that at the present time the street artist fund <u>is</u> a special fund under the City's codes.

Mr. Clark then referred to an excerpt from the San Francisco Administrative Code, Section 10.80, and also to an ordinance adopted in 1935 creating special funds. Mr. Clark read from Section 10.80:

> SEC. 10.80. CREATION OF SPECIAL FUNDS UPON RECEIPT OF GIFTS; EXPENDITURES FROM SUCH FUNDS. Whenever the City and County shall receive from the United States of America, the State or from any public or semi-public agency, or from any private person, firm or corporation any moneys or property to be converted into money, the Controller shall set up on the books of his or her office a special fund or account evidencing the moneys so received and specifying the purposes for which they have been received and for which they are held, which account or fund shall be maintained by the Controller as long as any

Continued.....

portion of the monies remain unexpended.

> The expenditures necessary from the fund or account created as provided by this Section, in order to carry out the purpose for which such moneys have been received or for which the account is being maintained, shall be approved by the Controller and the expenditures are hereby appropriated in accordance with the terms and conditions under which such moneys have been received by the City and County, and in accordance with the conditions under which such fund is maintained. (Bill No. 746. Ord. No. 9.0431 (C.S.), Secs. 1.2)

Mr. Clark stated that, according to this, expenditures from a fund for a special purpose shall be approved by the Controller, which represents a short cut from having to go through the legislative process of the Board of Supervisors.

Mr. Clark referred the Committee to Charter Section 6.402, Fees for Licenses and Permits:

> The fees or licenses to be charged under ordinances referred to in Section 7.704 shall not be less than the cost to the city and county of regulation and inspection; provided, that insofar as the regulation and inspection of foodstuffs or articles of food for human consumption are concerned, the fees or licenses to be charged for such regulation and inspection shall be as determined by the board of supervisors, but the same shall not exceed the cost of said regulation and inspection.

Mr. Clark stated that this is the ordinance that establishes the purpose of a license fee, which, in the case of the street artists, is for the regulation and inspection of the sale of handmade art goods. This is the section, he said, which basically says that any fee can only be used for the regulation and inspection of the articles to be sold; and that is why the street artist fee can only be a certain amount and not higher than what is necessary for the inspection and regulation of the ordinance. This is the City Charter section, he said, which establishes the purpose of the street artist fee.

Mr. Clark referred the Committee to Charter Section 7.704, Permits and Licenses:

> The board of supervisors shall regulate, by ordinance, the issuance and revocation of licenses and permits for the use of, obstruction of or encroachment on public streets and places, ...

This section, Mr. Clark stated, gives the Board of Supervisors the authority

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to issue licenses to encroach on public sidewalks. In the case of the street artist ordinance, this power of the Board of Supervisors was given to the people through the ballot.

Mr. Clark then referred to page 1105 of Black's Law Dictionary, the definition of "Public agency": "A department or agency of government which has official or quasi official status. An administrative body." In this case, Mr. Clark said, "public agency" is the Arts Commission. He made this point, he said, because the term "public agency" was mentioned in Administrative Code Section 10.80: "... Whenever the City and County shall receive from ... any public or semi-public agency ..."

Mr. Clark read to the Commissioners his proposed resolution which he was asking the Arts Commission to adopt and to submit to the City Attorney for clarification:

> WHEREAS, Section 6.402 of the San Francisco City Charter establishes the purpose of fees collected from street artist certificates; and
>
> WHEREAS, The Arts Commission, acting as a licensing agency in regards to issuing street artist certificates, is a public agency as defined in Black's Law Dictionary; and
>
> WHEREAS, The fees collected for street artist certificates are deposited into a special fund for the specific purpose of administrating and enforcing the Street Artist Ordinance; be it
>
> RESOLVED, as follows: The Arts Commission requests the City Attorney to answer in writing the question: "Do the provisions of Section 10.80 of the San Francisco Administrative Code regarding the making of appropriations from special funds apply to the monies deposited into the street artist special fund?"

Mr. Clark clarified that what he was asking for was an answer as to whether the Arts Commission may request approval from the Controller, and not the Board of Supervisors, for its Street Artists Program to spend money from its special fund. Do the provisions of the Charter section apply to the monies deposited in the street artist special fund?

Commissioner Eichelbaum asked how it was possible, in view of the Charter and Administrative Code sections, that the appropriation procedure got so tied up. Why would anyone dispute the code sections? Mr. Clark replied that he did not think that anyone was disputing this; it just had not been brought to anyone's attention. When the Street Artists Program was created, he said, there were many legal questions - this was a very heated political football in City Hall - and there was opposition at the time. The City Attorney's office did not make any clarifications on

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funding for the Program. The Art Commission's Director, Martin Snipper, had a difficult time getting any money out of City Hall for even a typewrite or a table for the new Program. The Board of Supervisors was not fully behind the establishment of the Program. Mr. Clark did not know why the expenditure procedure got so confused, because it seemed clear as to how it should be implemented. Nevertheless, supplies, equipment, personnel which may be needed right away for the Program are delayed due to unnecessary legislative procedure.

Commissioner Eichelbaum stated that he supported simplification in the procedure.

Program Director Lazar stated that if the City Attorney clarifies that the Program may go directly to the Controller for permission to make its expenditures, the Arts Commission would still continue its "in-house procedure" of submitting proposals for major expenditures to hearings conducted by the Street Artists Liaison Committee, the Street Artists Program Committee, and the Arts Commission itself. A request for an expenditure would go in the form of an Arts Commission resolution to the Controller, after the public hearings. What would be cut out would be the step going to the Board of Supervisors for approval - which represents a minimum of a month to two months' delay.

Commissioner Genera moved that the Arts Commission adopt the resolution submitted by Bill Clark and request the City Attorney for an answer to Mr. Clark's question; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VI NEW BUSINESS

The Committee decided that the next meeting would be scheduled for August 16, 1989, at 3:30 p.m.

Commissioner Genera moved that the meeting be adjourned; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

The meeting adjourned at 4:06 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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THE ARTS
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STREET ARTISTS PROGRAM COMMITTEE

November 22, 1989
Department of Public Health Bldg.
Room 302
101 Grove Street
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Eichelbaum called the meeting to order at 4:32 p.m.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Bernard Olderman - Certificate #2929 expired September 20, 1987; Mr. Olderman's request for priority was received on August 18, 1989. Mr. Olderman stated that he went to Thailand, started a business, got married, his wife had a baby, the business failed. In the meantime, his street artist certificate expired; because he had been caught up in his business affairs, he had forgotten to renew it. As soon as they were able to return to the United States, he submitted a letter to the Arts Commission, requesting priority above the waiting list of applicants in the issuance of a certificate. Mr. Olderman showed samples of his handmade fabricated copper and brass jewelry. Commissioner Eichelbaum stated that he felt Mr. Olderman's request was reasonable and moved that it be recommended that Mr. Olderman's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Konstantin Gortinsky - Certificate #2535 expired October 8, 1981; Mr. Gortinsky's request for priority was received on July 20, 1989. Mr. Gortinsky did not appear. No action was taken.

C. John Shaw - Certificate #3210 expired October 14, 1989; Mr. Shaw's request for priority was received November 5, 1989. Commissioner Eichelbaum moved that Mr. Shaw's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

D. Tan Khoa Nguyen - Certificate #3386 expired October 29, 1989; Mr. Nguyen's request for priority was received November 17, 1989. Commissioner Eichelbaum moved that Mr. Nguyen's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

E. Raoul Neri - Certificate #3318 expired October 29, 1989; Mr. Neri's request for priority was received November 21, 1989. Commissioner Eichelbaum moved that Mr. Neri's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

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II REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. Jean Rosen - request for postponement to August, 1990. Commissioner Eichelbaum moved that Ms. Rosen's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Beatrice Anne Spiegel - request for postponement to April, 1990. Commissioner Eichelbaum moved that Ms. Spiegel's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

C. Geri L. (Gmahling) van Gelderen - request for postponement to November, 1990. Commissioner Eichelbaum moved that Ms. van Gelderen's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

D. Barbara Lisa Pope - request for postponement to October, 1990. Commissioner Eichelbaum moved that Ms. Pope's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

E. Gina Rapere - request for postponement to July, 1990. Commissioner Eichelbaum moved that Ms. Rapere's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

III HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTISTS ORDINANCE

A. Robert Stone - Certificate #1861. Alleged violations: (1) displaying items (commercially-manufactured silver necklaces) not of the artist's own creation; (2) displaying items not certified by the Arts Commission. Program Director Lazar explained that the Art Inspector had issued a Program "citation" to Mr. Stone on July 3, 1989 for, according to the Inspector's notes, "displaying purchased silver necklaces, flat silver with or without designs; there were many more such necklaces than pendants. The necklaces frequently had individual price tags. There were over a dozen such pieces. Although Mr. Stone removed one strand of beggar beads from his display, he displayed these silver necklaces and other wares which may not be of his own manufacture." Mr. Lazar submitted the photos of the incident taken by the Inspector.

Inspector Noakes testified to the items in the photos. She said that the necklaces had bands with numbers on them, some of the numbers had dollar signs, some were simply numerals. She pointed to Mr. Stone's display of flat "snake" bracelets which, she said, were similar to samples shown in a catalogue by Silver Touch West, Inc. (Inspector Noakes submitted this catalogue to the Commissioners.) Mr. Stone's samples, she said, were plainer in design than those in the catalogue. She had noticed Mr. Stone's "snake" items in passing because they were, she said, like materials which she remembered buying from stores when she was in high school. They were familiar products, she added, which one would see in The Emporium in the 1950's. When she looked closely at Mr. Stone's display and saw the individual pricetage on the necklaces,

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it appeared to her that the items were definitely intended to be sold separately.

Mr. Stone told the Commissioners that he had the necklaces since last Christmas, and that the tags he had on them were "gram weights" stating the amount of silver in each chain. His defense, he said, was the "horse-and-carriage theory": he has to have the chains to go with his pendants, just like the photographer has to have a pre-manufactured mat and frame for his photograph, the kiteseller requires a spool for the string, and the hatseller has an ornamental band of feathers on a pre-manufactured hat. He said that he does not sell the chains by themselves; he sells his lapidary with the chains attached. But if he had to discontinue selling the chains, he said, he would comply.

Mr. Lazar referred the Committee to the Arts Commission's criteria for pendants, that a commercially manufactured pendant is not allowed to be sold in an artist's necklace unless it is subordinate to, or an integral part of, of the design of the necklace, and that this is to be determined on a case-by-case basis by the Advisory Committee of Street Artists and Craftsmen Examiners. Conversely, he said, in Mr. Stone's case, he doubted whether the Advisory Committee would approve his display of commercially manufactured silver necklaces unless they were subordinate to, or an integral part of, the design of his lapidary pendants. The silver necklaces, it appeared, were overpowering in size and in design the very items for which Mr. Stone was certified.

Commissioner Eichelbaum stated that it appeared that the silver necklaces were overwhelming the pendants, and that there was a violation. The Commissioner moved that it be found that Mr. Stone had violated the street artists ordinance by displaying items (commercially manufactured silver necklaces) not of his own creation, that, in lieu of receiving a suspension of certificate for such violation, Mr. Stone be warned that further selling of such items shall result in suspension of certificate, and that Mr. Stone submit his necklace/pendant items with their usage of the commercially manufactured necklaces to an examination by the Advisory Committee of Street Artists and Craftsmen Examiners for a recommendation as to whether Mr. Stone may be allowed to use such commercially manufactured components in his craft items. The motion was seconded by Commissioner Genera and unanimously approved.

B. Hubert Emerson Ortis - Certificate #3560. Alleged violations: selling in areas not designated by Board of Supervisors. Commissioner Eicelbaum examined the case file and stated that it appeared Mr. Ortis was found selling in locations that were either other artists' spaces or illegal locations.

Mr. Ortis stated that as soon as he placed the jewelry items he designed on his table for sale, many people in the Program started to copy them. These people would obtain better spaces in the lottery than he did, they would attract customers before he would, and the customers finally

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coming to his table would think that he was copying the other artists and would bypass him. He further stated that when he first met Inspector Noakes, the Inspector found him in an illegal space and he agreed to move. He told her that he had three children to feed and that he made his own craft but that the other artists got the better spaces and he couldn't sell unless he had a good space, as the white zone (Jefferson Street), which is illegal, but he had to make a living.

Program Director Lazar stated that, according to the street artist law, an artist must sell in a space designated by the Board of Supervisors, and that there is no exception to this. One way for an artist to obtain a space is through the artists' lotteries. Mr. Lazar sta ed that he met Mr. Ortis over two years ago when Mr. Ortis was on the waiting list for a street artist certificate and was selling illegally out of his van adjacent to the white zone on Jefferson Street during summer or on O'Farrell Street during Christmas. Each time Mr. Ortis saw him, Mr. Ortis would pack up and leave. Mr. Lazar told him that he looked forward to the day when Mr. Ortis would be licensed and would be able to legitimately compete with other street artists for selling spaces. Mr. Ortis finally got his certificate, but he continued to sell regularly in illegal locations. Mr. Lazar told the Commissioners that he did not think there was anyone in the Program who would not be in sympathy with a man trying to feed his children; the Program, however, could not afford to allow sympathy to outweigh the law itself and the good of the whole.

Mr. Ortis said he understood that, but the Art Inspector had tried to close him down for selling items the design of which he had originally created. Mr. Lazar responded that the Commission had, several months ago, written to the City Attorney requesting clarification as to whether the Commission could deny, suspend, or revoke an artist's certificate for copying another artist's work, that the clarification had not yet been received, and that he had told Mr.Ortis about this and had invited him to write the Program a letter, requesting an investigation of items in the Program that he alleged were copies of his work. Whatever the outcome of such an investigation, the bottom line would still be City Attorney clarification as to whether the Commission has the power to close down Mr. Ortis' alleged copyists. Nevertheless, Mr. Lazar said, this was an issue entirely separate from the issue of Mr. Ortis' continuous selling in illegal locations.

Mr. Lazar submitted a chronological list of observations of Mr. Ortis selling illegally, as well as warnings and Program "citations" issued to him over a seven-month period (April through November, 1989). The list showed that he continued to sell illegally, even after he had been notified on separate occasions of his hearing with the Program Committee. In all, eight "citations" were issued to him over the seven-month period.

Mr. Ortis stated that the Art Inspector had been selectively enforcing the rules against him, and not against other artists. The Commissioners,

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after questioning Inspector Noakes and reviewing entries from her logbook relative to the incidents, concluded that there was no evidence to support Mr. Ortis' claim.

Mr. Lazar asked if Mr. Ortis wanted to stay in the Program. Mr. Ortis replied that he did, that the Program was the best thing that ever happened to the artists. Mr. Lazar asked if he would be willing to stay and abide by the simple rules. Mr. Ortis responded that he would and added, "I will not sell in the white zone or illegal again."

Commissioner Genera asked Mr. Lazar what opportunities Mr. Ortis had in obtaining a sales space. Mr. Lazar responded that Mr. Ortis was not limited to the Jefferson Street spaces; he could participate in the lotteries for the other Wharf spaces, the Downtown spaces, the Cliff House area spaces, and Justin Herman Plaza. Also, the lottery's "12:00 Noon Rule" allows for an artist to compete for, and obtain, spaces that have been relinquished by other artists. Furthermore, there were always spaces in the Downtown or Wharf areas that were not claimed by lottery or may be relinquished throughout the day.

Commissioner Genera moved that Mr. Ortis be found in violation of the street artists ordinance by selling in areas not designated by the Board of Supervisors, and that, in lieu of receiving the standard three-week suspension of certificate for such violation, Mr. Ortis be warned that any future such violation shall result in the standard six-week suspension for second violation. The motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. Betty Bundschu - Certificate #156. Alleged violations: (1) selling in a white zone; (2) displaying items (beadcraft) not of the artist's own creation. Program Director Lazar submitted photos taken by the Art Inspector relative to alleged violations. He also submitted a copy of a catalogue of jewelry items by Manson Company which, he stated, showed some of the jewelry items which Ms. Bundschu had displayed.

Inspector Noakes referred the Commissioners to her photos of Ms. Bundschu's display and to the Manson catalogue and cited several large blue-green patina necklaces strung on leather thongs (items Nos. MNP810 and MNP888 of the catalogue).

Ms. Bundschu admitted that some of these items had been on her table. She said that she had been ill during the year and had brought the items out to her display to re-string them rather than work on them at home. She said she re-strings them into her own designs. She realized that she made the mistake of leaving some of these on her table before re-doing them, at the time the Inspector appeared.

Mr. Lazar clarified that the Arts Commission had always interpreted the law to mean that items on an artist's table are for sale and therefore must be created by the artist; an artist should not mislead the

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public by displaying anything else.

Commissioner Eichelbaum noted that Ms. Bundschu had been issued a warning for selling items not of her own creation three years before but had not been cited at the time. Given her record, the Commissioner said, he was inclined to recommend issuing a warning rather than a suspension for the current violation.

Commissioner Genera agreed but emphasized that any further such violation would not be tolerated by the Commission - especially during this time of the year after the Commission and the artists had put forth much effort in requesting and obtaining from the Board of Supervisors additional Christmas season selling spaces.

Commissioner Eichelbaum moved that Ms. Bundschu be found in violation of the street artists ordinance by selling items not of her own creation and by selling in an area not designated by the Board of Supervisors, and that, in lieu of receiving the standard two-month and three-week suspensions of certificate for such violations, Ms. Bundschu be warned that any future such violations shall result in suspension of her certificate. The motion was seconded by Commissioner Genera and unanimously approved.

There was no new business.

The meeting adjourned at 5:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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THE ARTS
COMMISSION
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STREET ARTISTS PROGRAM COMMITTEE

January 17, 1990
Dept. of Public Health Building
Room 204
101 Grove Street
San Francisco, California

M I N U T E S

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Barbara Sklar

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museum
Library Commission,
Planning Commission,
Recreation and Park
Commission

DIRECTOR
Claire N. Isaacs

Commissioners present: Genera, Eichelbaum

Commissioner Eichelbaum called the meeting to order at 4:30 p.m.

I REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING OF WARES FOR CERTIFICATION

A. Charles Rathbone. Mr. Rathbone's letter requested postponement to June, 1990. Commissioner Eichelbaum moved that Mr. Rathbone's request for postponement be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Sue Novak Johnson. Ms. Novak's letter requested postponement to November, 1990. Commissioner Eichelbaum moved that Ms. Novak's request for postponement be approved; the motion was seconded by Commissioner Genera and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY SCREENING OF WARES FOR CERTIFICATION

A. James Baldwin - Certificate #1899 expired May 1, 1978; Mr. Baldwin's request for priority screening and certification was received November 14, 1989.

Mr. Baldwin stated that he had held a certificate in the Street Artists Program from 1974-78. He said he left the Program because he was on drugs in 1978 and could not function. He said that he has been off of drugs since 1979 and is still attending psychiatric sessions. His craft is lapidary. During the past twelve years, he has been selling in flea markets and in shows.

The Commissioners noted a letter which had been submitted on Mr. Baldwin's behalf by his therapist, Lindsay Wansbury, M. S., of Fort Bragg, California. The letter stated that Mr. Baldwin has been a client since March, 1989, that during this period he has not been using cocaine, and that he "appears sincerely motivated to get bakc into the art world and be productive."

Continued.....

Mr. Baldwin added that he has been making lapidary items for twenty years, that he made the belt buckle worn by Barbra Streisand in A Star Is Born, and, in the 1970's, sold his items to the prime minister of Turkey and to Muhammad Ali.

Commissioner Eichelbaum moved that Mr. Baldwin's request for priority screening of wares and certification be approved; the motion was seconded by Commissioner Genera and unanimously approved.

III REQUEST BY PROGRAM DIRECTOR FOR AUTHORIZATION TO DESTROY FILES OF FORMER CERTIFICATE-HOLDERS WHOSE CERTIFICATES EXPIRED PRIOR TO FEBRUARY, 1985

Program Director Lazar requested authorization to destroy files of former certificate-holders whose certificates had expired prior to February, 1985. The request, he said, was in keeping with the City Attorney's instructions that such files be kept for at least five years, with the exception of files of those artists who had received disciplinary action by the Arts Commission (these files to be kept indefinitely). The destruction of several hundred artist files, dating prior to February, 1985, was particularly timely, Mr. Lazar said, for the Commission office's "house cleaning" in preparation for the office's move. The files would be dumped upon the approval of first the Arts Commission, then the City Attorney, the Controller, and the Retirement Board. Commissioner Genera moved that the Program Director be authorized to destroy the files of former certificate-holders whose certificates expired prior to February, 1985; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV REQUEST BY CERTIFICATE-HOLDER FOR WAIVER OF RENEWAL-BY-MAIL POLICY PROVISION FOR ONE YEAR

A. Terry Harms - Certificate 32925. Mr. Harms' request was received on December 20, 1989; the request was for a waiver of policy provision due to medical inability to renew his certificate in person. Program Director Lazar explained that, since 1982, the Arts Commission's policy is to allow street artists the opportunity to renew their certificates by mail for two renewals; for the third renewal, the artists must come to the office to renew. The purposes of the policy are to make renewal easier for artists and yet, at the same time, to discourage "absentee" certificate-holders (artists who would hold onto their certificates without ever coming to town to sell) - by having the artist come to the office once during three renewals, the chances are that the artist will sell at least once during this period. Mr. Lazar reported that street artist Terry Harms had already renewed by mail twice and must now come to the office for his next renewal. Mr. Harms, however, wrote that he is physically and psychologically unable to

Continued.....

come to San Francisco, that he is in a drug therapy program in Midpines, California, he has no car, no money for bus fare, and no place to stay in San Francisco. Mr. Harms has asked the Street Artists Program to send him blank certificate cards to sign, for the next two years, but Mr. Lazar was opposed to this. He recommended that the Commission waive the "in person" renewal provision for Mr. Harms for a period of one year. At the end of the year, if Mr. Harms is still unable to come to San Francisco, he would be advised to write the Commission for an extension of the waiver.

The Commissioners noted the various documents enclosed with Mr. Harms' letter, especially the Social Security Administration's statement specifying payments of $602 a month to Mr. Harms for disability.

Commissioner Eichelbaum moved that the "in person" renewal provision of the Arts Commission's "Certificate Renewal by Mailed Payment" policy, adopted July 12, 1982, be waived for a period of one year for certificate-holder Terry Harms; the motion was seconded by Commissioner Genera and unanimously approved.

V NOMINATIONS OF CANDIDATES FOR TWO POSITIONS ON ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

Three terms expired (November 27, 1989) on the Advisory Committee of Street Artists and Craftsmen Examiners - the terms were filled by Ed Poskus, Mathew Porkola, and Richard Kamler. While Ed Poskus vacated his position, Mathew Porkola and Richard Kamler were presently serving. Program Director Lazar stated that the Program staff recommended that the incumbents be re-nominated in order to continue in their vital roles as members of the Committee. The incumbents have been conducting very detailed screenings of applicants' wares, as well as incisive studio visits, viewing complete production processes. With each incumbent's name, Mr. Lazar also recommended that the names of Jonathan Fisher and Gay Roche be submitted, in keeping with the provisions of the street artist ordinance. For the third position, Mr. Lazar stated that he intended to place an ad in the local papers; he requested that either Commissioner Genera or Eichelbaum conduct interviews of candidates with him (as has been done throughout the years of the Program). Commissioner Eichelbaum offered to interview with him.

Street Art Inspector Barbara Noakes pointed out that the Commission has traditionally attempted to compose a balance of various crafts disciplines among the members of the Advisory Committee.

Commissioner Genera moved that the Commission nominate incumbent members Mathew Porkola and Richard Kamler to continue in their positions on the Advisory Committee, and that the names of Jonathan Fisher and Gay Roche also be submitted as nominees for each position; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Continued.....

VI REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Judith Fine - Certificate #2340 expired October 18, 1989; Ms. Fine's request was received January 12 (by telephone), 1990. Ms.Fine wrote that she had allowed her certificate to expire because she had had to take care of her friend who was ill. Now that her friend was in better health, it was possible for Ms. Fine to resume selling. Commissioner Genera moved that Ms. Fine's request for priority in issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VII NEW BUSINESS

The Committee set the time and date of the next meeting: Wednesday, February 21, 1990, 4:30 p.m.

The meeting adjourned at 5:07 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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45 Hyde Street
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STREET ARTISTS PROGRAM COMMITTEE

February 21, 1990
Public Health Building, Room 204
101 Grove Street
San Francisco, California

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EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museum
Library Commission,
Planning Commission,
Recreation and Park
Commission

DIRECTOR
Claire N. Isaacs

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:30 p.m.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTISTS ORDINANCE

A. Gerald Hehr - Certificate #2719. Alleged violation: selling in an area not designated by the Board of Supervisors. Program Director Lazar submitted the report and photos taken by the Art Inspector of the alleged incident and stated that the location described was Stockton Street, west side, near Market Street - an area where there are no street artist locations - and that the date of the alleged incident was December 23, 1989, at 3:40 p.m.

Commissioner Eichelbaum asked Mr. Hehr for his reason for being in that location. Mr. Hehr replied that there had been no street artist spaces available, that there were not enough spaces obtained for the artists at Union Square for Christmas, and that next to him there had been five unlicensed (illegal) vendors selling without any authority citing or stopping them. He did not feel that he, as a street artist, should be penalized when the city is being overrun with illegal vendors. He said he realized he broke the law, but he could not have given up such an important selling day before Christmas. He added that at the time his street artist certificate was not on display and he had not been representing himself to the public as a street artist. Commissioner Eichelbaum asked him if he had obtained an assigned space. Mr. Hehr replied that he had not, that he had never participated in the street artist lottery for spaces, and that he did not intend to do so. He claimed that the Art Inspector had harrassed him and that she harrasses many people.

Mr. Lazar told the Commissioners that the Christmas season is the most acute time of the year when the artists have to abide by - and the Arts Commission has to enforce - all of the rules, and that was the commitment that the Street Artists Program staff gave to the artists, the merchants, and the Board of Supervisors last fall when the Board voted to give the artists extra selling spaces for the season. He added that an adequate number of spaces had been obtained.

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Commissioner Genera said that it sounded to him like Mr. Hehr wanted the "sytem" to accommodate him, and that if he would not participate in the street artist lottery, it wasn't the lottery's fault. The Commissioner asked Mr. Lazar for his recommendation.

Mr. Lazar stated that he would be remiss in his duty if he let the violation go by. His recommendation was that Mr. Hehr be found in violation of the street artist ordinance for selling in an area not designated by the Board of Supervisors, and that the Arts Commission's standard penalty of three-week suspension be applied to Mr. Hehr's certificate. Mr. Lazar added that his staff and he had communicated regularly with the Police during the Christmas season to enforce the law against the illegal vendors in Mr. Hehr's area and especially on Sutter Street, near Market Street, because of the complaints by the street artists trying to sell in their own spaces there and having to compete with the illegals. Mr. Lazar said that he personally addressed the artists at two lotteries, informing them that he had instructed the Art Inspector to cite any artist who refused to adhere to all of the rules, and that the artists had been given booklets on all the Christmas spaces.

Commissioner Eichelbaum noted that this was the first record of a violation by Mr. Hehr.

Commissioner Genera moved that Mr. Hehr be found in violation of the street artists ordinance for selling in an area not designated by the Board of Supervisors, that, in lieu of receiving the standard penalty for such violation, Mr. Hehr be warned that any future such violation will result in a finding of a second offense and the standard penalty of six-week suspension will be applied to Mr. Hehr's certificate. The motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Fernando Hechavarria - Certificate #3045. Alleged violation: selling in an area not designated by the Board of Supervisors. Program Director Lazar submitted the Art Inspector's report and photos, stating that the alleged incident occurred at the same time and location as did the previous case: December 23, 1989, 3:40 p.m., Stockton Street, west side, near Market Street. The Commissioners ascertained that this was the first violation for selling in an undesignated space by Mr. Hechavarria.

Mr. Hechavarria told the Commissioners that he had gone to the lottery but had not been able to obtain a space.

Commissioner Eichelbaum moved that Mr. Hechavarria be found in violation of the street artists ordinance for selling in an area not designated by the Board of Supervisors, that, in lieu of receiving the standard

Continued.....

penalty for such violation, Mr. Hechavarria be warned that any future such violation will result in a finding of a second offense and the standard penalty of six-week suspension will be applied to Mr. Hechavarria's certificate. The motion was seconded by Commissioner Genera and unanimously approved.

Program Director Lazar clarified that this warning applied to Mr. Hechavarria for selling in any area of the city - not just for downtown but for the Wharf as well.

C. James Toolate - Certificate #3078. Alleged violation: selling in an area not designated by the Board of Supervisors. Program Director Lazar submitted the Art Inspector's report and photos of the incident of December 9, 1989, 4:30 p.m., in which Mr. Toolate had been allegedly selling adjacent to the white zone on Jefferson Street (near Leavenworth Street) and adjacent, as well, to the awning and entrance of the Chart House Restaurant. The Inspector had photographed Mr. Toolate and his display from two stories directly above in the Cannery, as well as on street-level.

Mr. Toolate told the Commissioners that he had not been selling, that a wheel had broken off his display stand, and he had pulled his table to the side, set his merchandise on top of it and out of the way of passersby, so that he could repair the wheel. He said he did not open for business - he never set up nor sold there. He said he put the wheel back on, and, by that time, a street artist space became available and he rolled his display into it.

Commissioner Genera questioned the Inspector as to whether Mr. Toolate had been selling. Inspector Noakes testified that, during the entire time she had observed him, she never saw him touch the part that he alleged was broken. He appeared, s e said, to be preoccupied the whole time with putting his items out for display and looking at customers going by.

Mr. Lazar stated his main point: Mr. Toolate's display should not have been in a white zone, let alone adjacent to a doorway at any time, regardless of whether or not he was selling. He could have repaired the wheel away from the white zone and doorway.

Mr. Toolate asserted that he had to repair the wheel first before he could roll the display down the street.

Mr. Alfred Gamarra, street artist, testified that he had been working that day in space "J-9," and that Toolate's table was broken, and that Toolate was trying to repair it. Mr. Lazar asked Mr. Gamarra why he had not helped Toolate move it out of the white zone. Mr. Gamarra replied that had he done so, Toolate would have still been in an illegal space, or "squeezing" between street artist spaces.

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Commissioner Genera stated that the incident appeared to be as if the artist was in the wrong place at the wrong time. He said that he could not find Mr. Toolate in violation. He stated that while Mr. Toolate should have moved his display out of the way and that sometimes, in such circumstances, a person does not consider the ramifications of what he is doing, he felt that the case should be dismissed. Commissioner Genera moved that the charge against Mr. Toolate be dismissed; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST FROM STREET ARTISTS AND PROGRAM STAFF FOR RE-DESIGNATION OF SELLING SPACES "L-1" AND "L-2" (LEAVENWORTH STREET, WEST SIDE, BEACH TO JEFFERSON STREETS) BY EXEMPTING SPACES FROM DOORWAY REGULATION; EXTENDING BOARD OF SUPERVISORS RESOLUTION 629-89

Program Director Lazar explained that the two spaces "L-1" and "L-2" had been in existence until a doorway was placed adjacent to them in a Cannery shop. Last year, after a hearing conducted by the Street Artists Program Committee with the artists and the Cannery management, the two spaces were re-designated by the Board of Supervisors by exempting them from the street artists ordinance's doorway regulation with the condition that their designation terminate on February 1, 1990 (to allow for an annual review by the Arts Commission, the Cannery, and the artists). Mr. Lazar notified Mr. Christopher Martin, General Manager of the Cannery, who, he said, had not expressed any objection to their continuation, or re-designation, for another year.

Commissioner Eichelbaum moved that the Arts Commission request the Board of Supervisors to re-designate the spaces for another year, subject to their exemption from the doorway regulation and to their termination on February 1, 1991; the motion was seconded by Commissioner Genera and unanimously approved.

III RECOMMENDATIONS FROM STREET ARTISTS LIAISON COMMITTEE: AMENDMENTS TO SPACE OCCUPANCY PROCEDURE

Mr. Lazar asked that this matter be continued to the March meeting of the Committee, to allow time for the dissemination of a new lottery proposal which had been presented at the last Liaison meeting. The Commissioners agreed to continue the matter.

IV REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Pascal Tao - Certificate #3336 expired December 30, 1989; his request for priority was received January 26, 1990. Commissioner Genera moved that Mr. Tao's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Continued.....

B. Edward Kissack - Certificate #3048 expired January 1, 1990; his request for priority was received February 1, 1990. Commissioner Genera moved that Mr. Kissack's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. David Sheppard - Certificate #559 expired January 7, 1990; his request for priority was received February 14, 1990. Commissioner Genera moved that Mr. Sheppard's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

D. Michael Treon - Certificate #3593 expired December 28, 1989; his request for priority was received February 15, 1990. Commissioner Genera moved that Mr. Treon's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V NEW BUSINESS

There was no new business.

The meeting adjourned at 5:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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STREET ARTISTS PROGRAM COMMITTEE

March 21, 1990
Department of Public Health Building
Room 300
101 Grove Street
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:40 p.m.

I REQUEST FROM PROGRAM DIRECTOR FOR ORDINANCE TO COMPENSATE ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS $50.00 PER MEETING/STUDIO VISIT, WITH A LIMIT OF $1,250 PER YEAR

Program Director Lazar explained that the Advisory Committee members had not received an increase in compensation since 1978; their compensation is $35.00 per meeting or studio visit with a limit of 30 studio visits/meetings per year. The Committee had recently requested $75.00 per meeting/studio visit. In order to balance next year's budget without raising the street artist fee, Mr. Lazar was recommending $50.00 per meeting x 25 meetings. Over the years, he found that the Committee had rarely used more than 24 meetings/studio visits per year. Commissioner Genera moved that the Board of Supervisors be requested to pass an ordinance to compensate the Advisory Committee of Street Artists and Craftsmen Examiners $50.00 per meeting or studio visit, with a limit of 25 meetings/studio visits, or $1,250 per member, per year; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Peter Dekito - Certificate #3306 expired January 28, 1990; his request for priority was received February 14, 1990. Commissioner Genera moved that Mr. Dekito's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Keith Donube - Certificate #2996 expired August 7, 1989; his request for priority was received February 26, 1990. The Commissioners questioned Mr. Donube about why he waited so long to re-apply or request priority. Mr. Donube referred to his letter to the Program which related his stress last summer over the renovation of a hotel he was living in, his hospitalization, his falling behind on paying his bills. Commissioner Eichelbaum moved that Mr. Donube's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

Continued.....

C. William Moore - Certificate #3492 expired December 8, 1988; his request for priority was received March 2, 1990. Mr. Moore, referring to his letter to the Program, described his having to give up his street artist activities in order to help his family with his father who had had emphysema. After his father passed on, Mr. Moore stayed in San Jose with his family to help them stabilize their lives. Now that the family had recovered to a "normal" state, he wanted to get back to work. Commissioner Eichelbaum moved that Mr. Moore's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

D. Ruth Levy - Certificate #2331 expired July 1, 1989; her request for priority was received March 9, 1990. Program Director Lazar informed the Committee that Ms. Levy had written to the Program last summer stating that, due to illness, she was unable to use her certificate and would have to let it expire. At the time, she also asked for consideration in being re-admitted into the Program at a future date, when her condition improved. (Mr. Lazar showed the Commissioners the letter from Ms. Levy's doctor which stated the illness.) Ms. Levy told the Commissioners that her illness was in remission and that she felt well enough to go out and sell her craft. Commissioner Eichelbaum moved that Ms. Levy's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

E. Helen Ress - Certificate #3588 expired December 12, 1989; her request for priority was received March 13, 1990. Commissioner Genera moved that Ms. Ress' request for priority issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST BY ARTIST FOR MEDICAL "LEAVE OF ABSENCE" FROM PROGRAM

A. Thomas Gilberti - Certificate #2869. Mr. Lazar reported that Mr. Gilberti, in his letter to the Program, wished to discontinue paying for his certificate for an indefinite period of time while he continued with his physical therapy, and to be given priority in obtaining a new certificate in the future. (Mr. Gilberti had suffered severe injuries from being struck by a car.) Commissioner Eichelbaum moved that Mr. Gilberti be given priority, after a period of one year after the expiration of his certificate, in the issuance of a new certificate, and that if, after such year, Mr. Gilberti his unable to receive a certificate, he may submit another request for priority issuance for a later time; the motion was seconded by Commissioner Genera and unanimously approved.

IV REQUESTS BY APPLICANTS FOR PRIORITY SCREENING AND ISSUANCE OF CERTIFICATE

Continued.....

A. Sonia Gonzalez - applied July 24, 1984, was notified February 25, 1987 for screening but did not respond; her request for priority was received March 7, 1990. Mr. Lazar submitted Ms. Gonzalez' letter which stated that "by the time I received your correspondence, I no longer was making the craft that I wanted to market." Commissioner Genera stated that it appeared Ms. Gonzalez had voluntarily relinquished her opportunity in obtaining a certificate, that it had not been a matter of her not receiving the Program's notice. Commissioner Genera moved that Ms. Gonzalez' request for priority issuance of certificate be disapproved and that Ms. Gonzalez be invited to re-apply; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Curtis Watrouse - was screened May 26, 1987 but did not obtain a certificate. Mr. Watrouse did not appear. The Commissioners took no action on the request.

C. Norman Walrath - applied May 29, 1986; did not receive the Program notice mailed to him August 30, 1988. Commissioner Eichelbaum moved that Mr. Walrath's request for priority screening and issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

V REQUEST BY STREET ARTIST FOR WAIVER OF "IN-PERSON" PROVISION OF RENEWAL POLICY FOR ONE YEAR

A. Reint Smit - Certificate #3314. Mr. Smit's February 27, 1990 letter requested a one-year extension to renew his certificate by mail (without having to come to the office to sign the certificates) because of his inability to take time off of a full-time job to renew in-person. Commissioner Eichelbaum moved that Mr. Smit's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

VI RECOMMENDATIONS OF STREET ARTISTS LIAISON COMMITTEE (meeting of 2/15/90)

A. Amending Language to Lottery Procedures (for inclusion in 1990 edition of Street Artists Program handbook). Mr. Lazar reported that this was additional language to clarify some of the already adopted lottery procedures and to hopefully clear up some ambiguities or misinterpretations. Commissioner Eichelbaum moved that the amending language be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Multiple-Use Number System Lottery. Bill and Bob Clark presented their proposal, explained the present time-consuming procedures of "mini-mini" lotteries for spaces throughout a given day, and asserted that their proposal would eliminate the "minis" and save a great deal of time. Virginia Burris, the only artist to appear in opposition, held up a petition of 103 artist signatures, she said, opposing the

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proposal. She asked that it go back to the Liaison Committee for more members to look at it.

Commissioner Eichelbaum noted that it was obvious that opposition was being encountered to change the system; he felt that the proposal should be tried for one month. Commissioner Genera said he saw the merit in the proposal and that it should be tried for three months. He also stated that any persons objecting to it should come to the Program Committee in person and not just via a petition.

Commissioner Genera moved that the "Multiple-Use Number System Lottery" be approved as per a trial basis, commencing April 3rd; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VII HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Nguyen Tan - Certificate #3599. Mr. Tan did not appear. Art Inspector Noakes described the violations for which she had cited Mr. Tan in December, 1989 and January, 1990: (1) displaying items not in accord with Arts Commission criteria; (2) displaying items not of the artist's own creation; (3) displaying items not certified by the Arts Commission; (4) exceeding display size regulations; (5) selling in locations not designated by the Board of Supervisors. Program Director Lazar submitted the photographs of Mr. Tan's display and jewelry, as Ms. Noakes described the jewelry items in relation to similar items that one is able to purchase out of retail and wholesale stores; she further described the oversizedness of his display on each of the occasions, as well as his selling not in a legally designated space.

Mr. Lazar informed the Committee of its right, under the authority of the Arts Commission's Hearing Procedure of Street Artist Violations, to recommend the standard penalties for the violations of which an artist has been charged if the artist fails to appear at his hearing. This right was stated in writing by Mr. Lazar in two letters sent to Mr. Tan.

Commissioner Genera moved that Nguyen Tan be found in violation of the Street Artists Ordinance by displaying items not of his own creation, by displaying items not in accord with Arts Commission criteria, by displaying items not certified by the Arts Commission, by exceeding display size regulations, and by selling in locations not designated by the Board of Supervisors; and that Mr. Tan's certificate be suspended for a period of seven months and two weeks, the sum total of the standard penalties for such violations; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VIII NEW BUSINESS

There was no new business.

The meeting adjourned at 6:05 p.m.

Respectfully submitted:
Howard Lazar
Howard Lazar

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STREET ARTISTS PROGRAM COMMITTEE

April 18, 1990
Department of Public Health Building
Room 204
101 Grove Street
San Francisco, California

M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING OF WARES

A. Lak Lim Tan - letter-request for postponement of screening to October, 1990. Commissioner Genera moved that Mr. Tan's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Mary Lavin Natani - Certificate #3075 expired October 9, 1988; her request for priority was received March 23, 1990. Ms. Natani was not present. No action was taken on the request.

III REQUESTS BY APPLICANTS FOR PRIORITY SCREENING OF WARES/CERTIFICATION

A. Andreas Paulsen - applied March 26, 1982, was notifed on November 2, 1983, but did not appear for screening. Mr. Paulsen's request for priority was received September 26, 1989; Program Committee review of request, scheduled for January 17, 1990, was continued at Mr. Paulsen's request to April. Mr. Paulsen was not present. No action was taken on the request.

B. Curtis Watrouse - was screened May 26, 1987, but did not obtain certificate. Mr. Watrouse's request for priority was received February 16, 1990. Program Director Lazar read Mr. Watrouse's letter which referred to his time in jail in New Mexico in February, 1988, and then probation and counseling. Attached to the letter was a letter from his probation officer, Michael Mason. Mr. Watrouse told the Commissioners that he was the same person whose name appeared as "Rick Watrouse" on his original application, that sometimes he does not put an "e" at the end of his signature when he is in a hurry. He stated that he had come out for his screening in May of 1987, had signed certificate cards, and had then gone back to New Mexico. (He had thought he had paid for the cards, also; but the Program Director told the Commissioners that there was no record of his having paid for and received certification.) He was arrested in November, 1987. Commis-

Continued.....

sioner Eichelbaum moved that Mr. Watrouse's request for priority screening of wares and certification be approved; the motion was seconded by Commissioner Genera and unanimously approved.

IV HEARING ON PROPOSED "MULTIPLE-USE NUMBER SYSTEM LOTTERY"

Street Artist Bill Clark submitted an outline of how the present space-allocation lottery works and a comparison outline of how his proposed system would work. He, with the assistance of his brother Bob, explained in detail the proposal - "a rotational system that would give people a greater choice at prime spaces than they have now." The Commissioners acknowledged that they had received Mr. Clark's letter-response to the petition of signatures submitted against the proposal. Mr. Clark, in his presentation, addressed three major questions raised by the petition.

Commissioner Eichelbaum stated that the present lottery system, already complicated, had received very few complaints, while Mr. Clark's proposal had made it more complicated - so much so, he said, that a person would have to be a mathematician to understand it - and so much opposition would be encountered because the proposal was so difficult to understand. The Commissioner himself had read it several times and still could not comprehend it. He could not see how it would remedy any wrongs of the present system when the present system did not seem to be faulty. In order to obtain a system that would improve on the present one, he said, it would have to be simpler than Mr. Clark's proposal; otherwise, it would antagonize everyone.

Street Artist Mark Monsarrat, Chairman of the Street Artists Liaison Committee, said that the proposal should have gone to a vote of the artists before ever reaching the Arts Commission. Mr. Clark responded that every street artist has a constitutional right to redress their grievances without going to a larger group of artists for a vote, and that he felt he had a better opportunity for a fair hearing before the Arts Commissioners. His brother, Robert Clark, added that the voters in 1975 gave power to the Arts Commission, and not the street artists, to make the rules.

Mr. Monsarrat submitted a petition of 115 signatures against the proposal. He asked why the first petition (from the previous month's meeting) had not been considered. Commissioner Genera stated that he wanted some of the petitioners to have come to the meeting and voice their objections personally and specifically to him. Mr. Monsarrat stated that at a recent Liaison meeting, thirty-three people took a vote against the proposal.

In addition to Mr. Monsarrat, the following artists voiced their objections to the proposal to the Commissioners: Larry Rosenbloom, Eunice Rodriguez, E. J. Khazzoom, Kristin Kogure.

Continued.....

Mrs. Eunice Rodriguez said she had been in the Program for fourteen years and that the present lottery system runs very well; she added that the present "unofficial" mini-lottery system (of which the Clark proposal was trying to replace) saves artists from having auto collisions - which had occurred previously - in racing to the spaces.

Commissioner Genera stated that he liked Mr. Clark's proposal and presentation, but that he did not have to live with it or work with it. He went around to speak to many artists, and he had not heard from any who was in favor of it. Nor had he heard that the present system was wrong or was not working properly.

Mr. Clark stated that he felt there was so much opposition to the proposal because under the present system, there were people who were able to monopolize spaces on the weekend, that family units had more opportunity than single artists in the lotteries.

Commissioner Genera stated that no matter how good the proposal was, the majority, it appeared, did not want it and did not want the present system changed. If in the future the system requires changing or amending, this proposal could be re-considered.

Commissioner Eichelbaum moved that the Committee submit to the feeling of the majority of those artists who were heard, and that the proposal be tabled, and that in the future any changes in the workings of the space-assignment procedures be brought up before the artists themselves first.

Bill Clark said that rather than have the Commission discuss the matter any further, he asked that the matter be tabled.

Commissioner Genera moved that Mr. Clark's withdrawal of the proposal be accepted; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

There being no new business, the meeting adjourned at 6:08 p.m.

Respectfully submitted

Howard Lazar

Howard Lazar
Director
Street Artists Program

Govt. Documents

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STREET ARTISTS PROGRAM COMMITTEE

May 16, 1990
Department of Public Health Building
Room 204
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I HEARING ON ALLEGED VIOLATIONS OF STREET ARTISTS ORDINANCE

Celeste Fain - Certificate #3597. Alleged violations: (1) display of items (beadcraft items) not in accord with Arts Commission criteria; (2) display of items not of the artist's own creation (ivory pendant on chain).

Program Director Lazar told the Commissioners that the wares of Ms. Celeste Fain were screened by the Advisory Committee of Street Artists and Craftsmen Examiners on November 30, 1989, and the alleged incident of violation occurred on December 14, 1989. Mr. Lazar brought a video excerpt of Ms. Fain's screening which, he said, showed what she had submitted for approval and what had been discussed between her and the Advisory Committee. Prior to showing it, he asked that the Program Committee hear the report by Street Art Inspector Noakes.

Inspector Noakes submitted photographs she had taken of Ms. Fain's display at the time of the alleged incident. The Inspector stated that Ms. Fain was set up on Stockton Street in space #1 at a busy time during the Christmas season. She reported that she found on the display a pendant on a Y-shaped chain and numerous pendant earrings with fewer than the allowed minimum number of components: some of these were of a "shell type" and others were of a "sanddollar type." Referring the Commissioners to the photos, she pointed to an alleged non-certified pendant appearing to be primarily composed of a gold metal in a pearl-like object. The Inspector said that Ms. Fain had not shown such an item at her screening. The Inspector pointed, in the photo, to some items of alleged beadcraft items; this particular type, she said, was also not shown at the screening. There was, the Inspector said, some work shown of shells which had "auxiliary" beads enhancing a cut nautilus shell, but items where multiple shells were used in a bead-like manner in a necklace arrangement were not presented at all. The Inspector pointed, in the photo, to Ms. Fain's display of bolo ties; the Inspector said these were of much less work than the work shown at the screening, and that the bolos themselves

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were not shown at her screening. The Inspector pointed to the photo showing turquoise earrings with dangling objects; nothing like this was shown at Ms. Fain's screening, Inspector Noakes contended. Ms. Fain, she said, had put out work on her display that had not been screened and certified and that was characteristically different from that which had been screened.

The Program Director stated that, in addition to the charge that Ms. Fain had displayed an item not of her own creation, Ms. Fain had displayed some items which the staff questioned whether they would have been approved due to the Commission's pendant criteria. The mere addition of a number of beads to a commercially manufactured pendant may or may not suffice; such an object definitely required a review by the Advisory Committee who has the authority to recommend approval or disapproval of the item. One of the items on Ms. Fain's display, he said, was a pair of shell-like earrings which would have been questionable by the Committee. To have an artist go out and sell something which was not reviewed is a violation. He said that the videotape of Ms. Fain's screening shows that the Committee was specific with her as to what she could sell. She had shown the Committee shells, he said, that were made into a sculpture; she did not show shell jewelry. The widest area of crafts violation in the Program, he said, is jewelry, and this has required the closest investigation.

Inspector Noakes presented an item she purchased at a jewelry store on 24th Street, San Francisco, which, she said, was similar to one of Ms. Fain's pendant objects shown in the photo. The piece on Ms. Fain's display had just one connector, or finding, which is not counted as a component, according to the criteria.

Ms. Fain stated that there were stones mounted on the piece.

Mr. Lazar stated that such an item was not shown to the Advisory Committee; had it been shown, the Committee, he felt, would not have accepted it.

Ms. Fain said she had not demonstrated stone-carving to the Committee, and that it was "part of lapidary art." Mr. Lazar said that the Committee would have wanted her to demonstrate carving in order to allow her to sell such a piece. Ms. Fain said that the directions on what to bring to the Committee were not explixit, and that she had brought a sample of various forms of art she wished to sell: she brought lapidary, floral arrangements, beadwork.

Ms. Fain told the Commissioners that she presented, at her screening, polished and tumbled stones, and out of these she made "teardrop turquoise." She said she also used shells as a mounting for polished cabochons. She said she presented beading represented in her shell-craft. She said she was not aware that it was required that beadcraft be screened as a separate genre in order for her to be certified to sell "beadcraft." She would like to have another screening for this.

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As to the carving, she said she was quite capable of carving; she thought that it came under the heading of "lapidary." She was willing to show this at her studio any time. In response to a question by Commissioner Eichelbaum, she stated that nothing on her display had been commercially bought - except for the strings that were on the bolo ties. The cabochons were ground; she said she works in all media: stone, shell, bone, petrified bone, whale bone. As to the seashells, she said she "stabilizes" the shells, which, she said, is a lapidary process to save the shells from crumbling or cracking. She described methods of shell stabilization.

Commissioner Genera asked Inspector Noakes what she meant by Ms. Fain's alleged display of items not of her own creation. Ms. Noakes responded that she was referring to the bolos that were rough-cut with no other process added to them, except the gluing of them to a bolo backing. Ms. Fain, she said, admitted on the videotape that she does purchase such items. A cabochon, the Inspector said, is a stone which is shaped at the grinding wheel; none of the bolo stone items had appeared to her to be shaped in that manner. They had rough edges.

Ms. Fain responded that these stones had to be sliced and "flat lapped" to get the smooth sides, while the crystal was left rough because of its beauty.

Ms. Noakes said that nevertheless it had not appeared that these items had been worked at by the same standard as that of the items shown at the screening, and no bolos had been shown at the screening.

Commissioner Genera questioned Inspector Noakes on the "ivory pendant" she had cited. The Inspector stated that the piece had resembled similar pieces she had seen in Chinatown where there would be a Y-shaped gold chain attached to the ends of a little scene made in a curved ivory piece.

Ms. Fain said that the "ivory" item was made out of "processed bone," and that she had done the carving on it. Mr. Lazar pointed out, again, that she had not shown the Advisory Committee any actual carving. While she had mentioned to the Committee that she had done her own carving, the staff had asked the Committee to do a studio visit, to which the Committee had replied that it was not necessary.

Commissioner Eichelbaum stated that nothing had so far been proven against Ms. Fain; there was no work on her table which she had not, in one way or another, produced.

The Program Director stated that because the bulk of items on her display had not been shown at her screening, there was reason to suspect that the work may not have been done by her. Many artists, he said, had been screened for certain craft categories and approved based on samples of their work; they had then turned around and sold items of the same

Continued.....

category but these items were, in fact, not made by the artist. In the present case, the staff did not see, in the personality of much of the work being displayed, items that looked like those which had been screened. No bolos nor finished earrings were shown at the screening; such items are easily imported.

Commissioner Eichelbaum stated that he felt the only solution was to have the suspect objects brought to the Advisory Committee for a decision as to whether they qualify for certification. He did not feel there was any way for the Program Committee to determine whether the charges were valid.

Commissioner Genera agreed and stated that, from the photos taken of the display, he was not able to tell whether the earrings were made by the artist or store-bought. He could not tell whether one of the items was plastic or bone. The pictures, he said, did not offer any evidence that the items were not of Ms. Fain's creation. Therefore, he could not make a decision on the charges.

Program Director Lazar asked that Ms. Fain be directed to bring all items of her display to the Advisory Committee. The Advisory Committee itself, he said, has repeatedly asked to see many examples of a particular expression in order to be sure of an artist's handcraftsmanship.

Commissioner Eichelbaum moved that the charges against Ms. Fain be dismissed and that Ms. Fain submit the items in question to the Advisory Committee of Street Artists and Craftsmen Exaimners; the motion was seconded by Commissioner Genera and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Program Director Lazar reported that the former certificate-holder Daniel Katz had telephoned that day to request a postponement of his hearing to the following month, due to a work assignment which he was unable to leave. The Commissioner stated that the hearing on Mr. Katz's request would be re-scheduled for the following month.

III REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

Louise Grabowski - letter of April 25, 1990 requesting postponement of screening to January, 1991. Commissioner Eichelbaum moved that Ms. Grabowski's request for postponement of screening until January, 1991 be approved; the motion was seconded by Commissioner Genera and unanimously approved.

IV RECOMMENDATIONS FROM STREET ARTISTS LIAISON COMMITTEE (4/5/90 meeting)

A. Lottery Committee Members to Reserve the Privilege of Being Helper: "A Lottery Committee member may be a helper in a lottery if no one else wishes to be helper." Commissioner Eichelbaum moved that the

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Liaison Committee recommendation stated above be approved; the motion was seconded by Commissioner Genera and unanimously approved.

B. Proposed Lottery Systems Require Vote by Street Artists: "No new lottery system will be tried before there is a vote of approval by the street artists at a Saturday lottery." Program Director Lazar explained that the Liaison Committee, in their vote, had made it clear that they did not want any lottery proposal coming to the Arts Commission for consideration without its having first received a vote of approval by the street artists. Mr. Lazar felt, however, that if this procedure were approved by the Commission, the Commission may be forfeiting or restricting some of its discretionary power. He asked that the Committee not vote on this until a response to this question is given by the City Attorney.

Commissioner Genera said he did not feel comfortable with the present wording of the recommendation. He moved that the Program Director be authorized to write to the City Attorney for a response to the question of whether the Arts Commission would be forfeiting or restricting its discretionary power; the motion was seconded by Commissioner Michelbaum and unanimously approved.

C. Requirements for an Item to be Submitted by Liaison Committee to a Vote by Artists: "The Liaison Committee shall not present an item to the Saturday lottery for a vote unless there are at least five (5) Liaison Committee members approving it or a petition of twenty-five (25) street artists requesting that the item be voted on." Street Artist Bill Clark objected to this recommendation. He said that, by requiring five votes of the Liaison Committee to approve an item, a Liaison member - an artist not elected to the Committee - has a vote equal to the vote of five artists. By saying that five Liaison members support an item, this in effect is equal to a petition of twenty-five artists. He asked that the Commissioners consider amending the language to say "... five Liaison Committee members approving it or a petition of five (5) street artists ..."

Commissioner Genera asked what would happen if an artist had a proposal to submit to the Arts Commission but could not get either five votes of the Liaison Committee or a petition of five street artist signatures; there would have to be a way, he said, for an artist to submit his proposal to the Commission. Program Director Lazar responded that the wording of the Liaison Committee's recommendation of item submittal requirements does not take away that right; however, the Liaison Committee's recommendation that any new lottery proposal would require a vote of the artists does take away the right. This, he said, is part of the question which the Program Committee has authorized the Director to submit to the City Attorney.

Mr. Clark said that if he had a proposal whcih could not garner five Liaison votes or five street artist signatures, he could still go to

Continued.....

the Commission, and the Commissioners would always have the option of directing the proposal to the artists for a vote. Mr. Clark suggested that the proposed amended language be sent back to the Liaison Committee for review and then re-submitted to the Program Committee for re-consideration pending City Attorney response to the previous recommendation.

Commissioner Eichelbaum moved that the following amending language (underlined) to the Liaison Committee's recommendation be approved, submitted to the Liaison Committee, and re-submitted to the Program Committee: "The Liaison Committee shall not present an item to the Saturday lottery for a vote unless there are at least five (5) Liaison Committee members approving it or a petition of five (5) street artists requesting that the item be voted on." The motion was seconded by Commissioner Genera and unanimously approved.

V NEW BUSINESS

Street Artist Bob Clark reported that his attorney was contacting the Board of Supervisors with a demand of $600,000 of street artist fees (which includes interest). He said this figure (less interest) accounted for fees that were illegally taken out of the Program and deposited into the General Fund during the years 1972 - 78.

The meeting adjourned at 5:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

June 20, 1990
Department of Public Health Bldg.
101 Grove Street, Room 204
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:30 p.m.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Louis Welsh - Certificate # 2807 rxpired April 28, 1990; his request for priority was received by the Program on June 5, 1990.

B. Richard Ashton - Certificate #2865 expired May 6, 1990; his request for priority was received by Program on June 5, 1990.

C. Mari-Ellen Rowe - Certificate #2573 expired March 5, 1990; her request for priority was received by Program June 7, 1990.

D. Penelope Valle - Certificate #2404 expired April 8, 1990; her request was received by Program on May 29, 1990.

E. Patricia Corcoran - Certificate #3487 expired May 25, 1990; her request was received by Program on June 12, 1990.

F. Celeste Fain - Certificate #3597 expired May 28, 1990; no request for priority was received, but Ms. Fain demonstrated her interest in maintaining certification by screening a new item on June 14, 1990.

G. Sarah Comerchero - Certificate #3274 expired May 24, 1990; her request by telephone was received June 8, 1990.

Commissioner Eichelbaum moved that the requests of the above-named former certificate-holders be approved; the motion was seconded by Commissioner Genera and unanimously approved.

II RECOMMENDATIONS FROM STREET ARTISTS LIAISON COMMITTEE (June 7, 1990 meeting)

A. Amended language of initial Liaison Committee recommendation (4/5/90 meeting) which was amended by Street Artists Program Committee (5/16/90 meeting); additional language underlined; deleted language in double parentheses (( )):

> "The Liaison Committee shall not present an item to the Saturday lottery for a vote unless there are at least five (5) Liaison Committee members approving it ((or a petition of five (5) street artists requesting that the item be

Continued.....

voted on)). An item with the signatures of at least five (5) street artists may be presented to the Director of the Street Artists Program for its direct submittal (without prior Street Artists Program Committee or full Arts Commission review) to the Saturday lottery for a vote."

Commissioner Genera moved that the above amended language as recommended by the Liaison Committee be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Support of 1990-91 Program budget by maintaining present certificate fee of $230 and increasing the number of certificate-holders.

Program Director Lazar reported that the Liaison Committee, in a five-to-one vote, recommended that, rather than raise the certificate fee, the number of certificate-holders be incresed to support the increased costs of the Program. (These costs, he said, were due to salary increases and, for the first time, the cost of office rent.) The Liaison Committee felt that the Commission and the artists should make effort this year in obtaining more sales spaces, on a city-wide basis, to accommodate the increased number of artists.

Street Artist Robert Clark told the Commissioners that if the artists do not ask for spaces, they won't get them. He supported the Liaison Committee's recommendation.

Street Artist Larry Rosenbloom stated that he did not support the recommendation. He suggested that the budget be scrutinized with an eye to cutting the number of staff people.

The Program Director stated that he did not feel his three-member staff which served 500 street artists and several hundred waiting-list applicants was an extravagant number of personnel. Secondly, he stated that the number of street artist violations, requests for on-the-spot clarification and arbitration, continue to prove the need for an additional Art Inspector.

Commissioner Eichelbaum stated that he could not understand the basis of Mr. Rosenbloom's criticism when there was only three people to administer the Program, and that the criticism seemed invalid.

Commissioner Genera stated that, rather than examine the budget, what should be explored is how more money can come into the Program - for example, late fees for certification.

Commissioner Eichelbaum stated that it would seem that many spaces could be obtained in a lot of neighborhoods.

Commissioner Genera moved that the Liaison Committee recommendation of supporting the 1990-91 Program budget by maintaining the present certificate fee of $230 and by increasing the number of certificate-

Continued.....

holders be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. William Fortinberry - requested postponement to May, 1991.

B. Kenneth Gulley - requested postponement to August, 1991.

C. Philip Gao - requested postponement to June, 1991.

Commissioner Eichelbaum moved that the requests of the above-named applicants be approved; the motion was seconded by Commissioner Genera and unanimously approved.

IV REQUESTS BY APPLICANTS FOR PRIORITY IN SCREENING/ISSUANCE OF CERTIFICATE

A. Gong Sai Sia - applied March 28, 1986; received no notice of screening. Street Artist Joyce Kung and Yeu Wha Kung appeared and told the Commissioners that Mr. Kung had brought Gong Sai Sia's application to the Program office when he (Mr. Kung) brought his wife's certificate in for renewal. Program Director Lazar stated that he had no reason to doubt the validity of Mr. Kung's statement, and that there was a possibility that the application may have been lost.

Commissioner Genera moved that the request for priority by Gong Sai Sia be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Sonia Gonzalez - applied July 24, 1984; she was appealing the Arts Commission's decision of April 2, 1990 to deny her earlier request. Commissioner Genera, upon reading Ms. Gonzalez' May 31, 1990 letter-request, stated that her reasons, which she had not put forth in her earlier request, warranted a re-consideration of the Commission's decision. Commissioner Genera moved that the April 2, 1990 resolution be rescinded and that Ms. Gonzalez's request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V REQUEST BY CERTIFICATE-HOLDER FOR WAIVER OF 'IN-PERSON" PROVISION OF RENEWAL-BY-MAIL POLICY

A. Joni Cresci - Ms. Cresci's letter stated that she was unable to come to the office to sign her certificate cards, due to job commitments, and that she requested to receive her cards by mail, to sign them, and mail them back for lamination. Commissioner Eichelbaum moved that Ms. Cresci's request be approved; the motion was seconded by Commissioner Genera and unanimously approved.

The Commissioners asked that the "in-person" provision of the policy be placed on the following month's agenda for consideration of its rescission. The meeting adjourned at 5:36 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco

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Arts Commission Gallery
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SF ARTS COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

August 15, 1990
Arts Commission Conference Room
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:30 p.m.

I RECOMMENDATIONS FROM STREET ARTISTS LIAISON COMMITTEE - 8/8/90 MEETING

A. Designation of Temporary Selling Spaces for Christmas Season, 1990: Spaces To Be Designated; Time Period for Spaces. (This item was taken out of order from the agenda, as the meeting room was filled with retail business personnel from the Union Square area.)

Program Director Lazar reported that the Liaison Committee was recommending the re-designation of all spaces of last year's Christmas season in the downtown area (59 spaces) plus an additional 61 spaces in the downtown/Union Square area, 39 spaces in the Financial District, and 28 spaces shared by the Castro and 24th Street business areas. This was the first time that spaces were being sought in areas other than downtown/Union Square. The total request consisted of 187 spaces. This proposal came from the Liaison Committee's meeting of August 8th; the artists had given their proposals to the Program staff for submittal to the Program Committee. It was hoped that the Program Committee would then give an endorsing recommendation to the full Arts Commission in early September for a resolution to be submitted to the Board of Supervisors. The matter could then be calendared for a Board committee hearing by the end of September and be heard by the full Board in early October. Mr. Lazar stressed that the proposal was for temporary spaces, not year-round spaces. The Liaison Committee was further recommending that the time period for the Christmas spaces be 90 days, November 1, 1990 through January 31, 1991, a departure from the past 8 years' designation whereby the spaces have been valid commencing the day after Thanksgiving and continuing through December 31st of the same year.

After receiving the Liaison Committee's proposal on the previous Wednesday, Mr. Lazar spent the next several days personally checking out all the proposed locations to verify that the spaces could adhere to regulations, or, where

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necessary, to request that certain spaces be exempt from certain regulation(s), as had been done in many instances by the Board of Supervisors. Mr. Lazar completed his survey just an hour before the present Program Committee meeting, and then handed copies of the proposal and his own recommendations to Mr. Edward Lawson, Executive Director of the Union Square Association, and to Commissioners Genera and Eichelbaum.

Commissioner Genera asked that Mr. Lazar read the list of requested new locations in the downtown/Union Square and Financial District areas. As he did so, Mr. Lazar described the space locations and noted, where necessary, the required regulation exemptions. (See attached list of spaces with staff recommendations.) Some of the highlights were as follows: 11 spaces on Market and 5th Streets by Nordstrom; 20 spaces in the central promenade area of Union Square; 39 spaces shared by both sides of California Street, Kearny to Battery Streets; 7 spaces on Stockton Street by Macy's and I. Magnin and 6 spaces on Powell Street by Saks, generally replacing many of the existing illegal vendors and charitable solicitors on these sidewalks; and the 4 traditional Christmas spaces at the BART entrance on Sansome Street at Sutter Street, to move northward, adjacent to Wells Fargo Bank, thereby replacing the existing (daily) illegal vendors.

Mr. Edward Lawson, Executive Director of the Union Square Association, objected to the proposal for the following reasons: (1) The proposal increases the number of downtown spaces by 80-90 for this year; (2) the proposal puts spaces in areas considered "sacrosanct" due to Christmas traffic; (3) it requires a great number of regulation exemptions; (4) it ignores last year's complaints regarding the two spaces located by Qantas, as well as objections raised against the spaces adjacent to FAO Schwartz and most of Stockton Street; (5) the proposed spaces in Union Square are objectionable because the merchants are presently discussing a proposal for a retail outlet in the Square with the Recreation-Park Commission; (6) extending the time period for the spaces to a full three months is "outrageous," as the merchants have already had a bad year; (7) the new charitable solicitors ordinance, of whose draft both Mr. Lawson and Mr. Lazar had been a part while participating on a task force committee for the past three months, will eliminate many of the problems created by the charitable solicitors. In summary, Mr. Lawson said he based his objections on (1) accessability; (2) visibility of the stores; (3) safety in terms of people not being forced into the streets because of crowds; (4) competition; (5) general environment - "the environment is downgraded when we get an excessive number of people that create a carnival atmosphere on the sidewalks of a very fine shopping, entertainment, and dining area."

Continued.....

The Commissioners heard from the following persons:

Russell Keil, property owner in Union Square area and 24th Street: Mr. Keil stated that charitable solicitors and street artists, to the "retailer on the other side of the doors,"... represent "rent-free competition." The maintenance and repair of the sidewalk is the responsibility of the building owner - "he's paying to produce a site for competition" which "comes in rent-free in front of his store." People coming to San Francisco talk about "incredible congestion on the sidewalks ... proliferation of newsstands, beggars, street people, merchants of one kind or another. We have a beautiful shopping district potential. We do not have a beautiful shopping district today." In looking at the entire issue, it is important to "try to have some sympathy with the merchant who's trying to make a living. ..."

Robert Begley, Executive Director, Hotel Council of San Francisco: "We are shocked" at the proposed figures of "close to a hundred street merchants." Retailers, he said, are having a difficult time, along with major industry, "your convention and room business of the city from which these funds come. You participate in a Hotel Tax, and when business is down ... you're seeing what happens ... The major comments we are hearing in the city is the visual impact to the visitor coming in." He cited four street merchants in front of Macy's today, three of which "were based in Oakland. ... You allow people out there who pay no taxes. ..."

Commissioner Eichelbaum clarified here that these "merchants" were not street artists but were charitable solicitors.

Edward Phipps, Executive Director, Downtown Association: Mr. Phipps said that the proposal seemed "totally unreasonable. There was a long hassle with business and street artists to come to some kind of understanding, go before the Board, set up certain rules and regulations; and now they go from fifty-nine to a hundred and eighty-seven in one year? That sends a good message out to the Board: What are we going to have next year - three hundred and sixty-five? ... It creates a troubled situation in the downtown area even from the standpoint of public hazard. At that time of the year, you're going to have a tremendous amount of traffic, the streets are crowded, and if you have any kind of incident ... fire, anything ... you're going to have one mess ..."

Jessica Bernstein, San Francisco Chamber of Commerce: "The Chamber objects to the proposal because it was made without consulting with ... or having a dialogue with ... the merchants."

Program Director Lazar responded that the Street Artists Liaison Committee is not obligated to notify the merchants, and that the purpose of today's Program Committee meeting was to provide such a

Continued.....

dialogue now. Commissioner Genera then stated that while his Committee was aware of the scheduled Liaison Committee meeting, his Committee did not know until now what spaces the artists were going to propose; and that the proposal was to be presented to his Committee now for an opportunity for address by the merchants.

Continuing on, Ms. Bernstein stated that the new amendments to the charitable solicitors law specifically outlaw charitable solicitors from parks ... Union Square, Coit Tower and Twin Peaks should be preserved as open spaces. Therefore, "it's not appropriate to allow street artists in" Union Square.

An unidentified woman suggested that the Arts Commission send out a mail-out information to the "citizenry-at-large" who shop in the areas requested by the artists, informing them of the proposal.

Mr. Lazar clarified that the agendas of all Arts Commission committee meetings are posted, and that the Street Artists Program does not have a budget for mailing to the citizenry with the exception of those individuals who request an agenda.

Commissioner Eichelbaum asked if there was a reason given by the Liaison Committee as to the sizeable increase of spaces - which, he said, was a very large request. Mr. Lazar stated that the artists, like the merchants, were hurt by the slowdown of business in the aftermath of the earthquake, and that they feel they have the right to ask for other locations downtown and in the neighborhoods. They have never requested the neighborhoods before; they feel that business could be good for them and that they stimulate business in their areas. Street artists, in fact, direct shoppers to stores. Some of the downtown stores have even had street artist items in their windows while the artist who made the craft would be set up outside on the sidewalk. While it has been a difficult year for everyone - artists and merchants - the Liaison Committee feels that this could be a good Christmas that will benefit everyone. They do not feel, he said, that their presence will harm the merchants.

Daniel Katz, former street artist: "You do have to remember that the populace voted for the Program where artists and craftspeople would have access to the public to show their work; and that means spaces where the public is, and that's Union Square in December."

Commissioner Eichelbaum stated that the artists are paying a "hefty" license fee.

Mr. Lawson stated that the street artist ordinance was passed at a time when there was "chaos on the streets ... there were street artists in every conceivable location similar to what you're talking about in this proposal today - just completely overrunning the city.

Continued.....

Everybody supported that ordinance because it would bring some order to a totally chaotic situation and regulate these people and limit them to the spaces where there was room for them and not on those congested areas and not all in one area."

Mr. Lazar stated that "what was overrunning the city was illegal salespeople; the artists at that time were being regulated by both the Arts Commission and the Tax Collector, but the problem was that the Tax Collector's affidavit did not require" these people to screen their wares in order to verify that they made them. Licenses were given indiscriminately by that office to many people who did not make what they were selling "and there were two thousand of them flooding the streets."

Mr. Katz said he objected to the implication that street artists do not pay taxes: "Ive always paid quite a bit of tax."

Mr. Lawson ascertained that the street artist fees revert to the Street Artists Program to cover the maintenance and enforcement of the Program. Mr. Lawson stated that "there was no receipt to the general population of the city; it all goes back into the Street Artists Program." Mr. Lazar responded that "the receipt to the general population of the city is that the street artists help the economy - with their goods and services, they have earning power and buying power, and they buy goods and services - retail goods."

Mr. Lawson asked whether it was true that most of the artists in the Program lived outside the city. Mr. Lazar responded that it was not true that most lived outside the city, and that there is no law requiring city residence for the artists.

An unidentified man stated that at the present time "anyone set up in the downtown area selling sweatshirts or jewelry is parked right there with their merchandise, and that creates additional problems in an already congested area ... They park there all day, every day. The Police Department does nothing about it, whereas they ticket the legitimate shoppers and employees. ... These additional people coming in will also have their vehicles, and they're going to be parked around there too ..."

Mr. Lazar responded that he personally has called the Police when any street artist ever tried to park for a duration of time on Stockton Street, because when the Arts Commission and the street artists fought for those spaces to have a white zone exemption, it was with the understanding of the City Attorney's office and the Board of Supervisors that nobody would park there; it would be used by the artists strictly for unloading and loading their displays.

Street Art Inspector Noakes stated that she patrols that area regularly

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and that there are no street artists parking there; there is, however, "an illegal vendor ... who parks regularly alongside of I. Magnin; there are businesses which Macy's seems to tolerate exceptionally well, to my view, which are so-called charitable organizations ... usually, at least three. Also, there are two city hot dog vendors which have no right to be within two hundred feet of each other, of which they never call the cops. Additionally, there are vehicles belonging to Macy's employees parked on the sidewalk on O'Farrell Street - about six usually most weekends."

Harry Kanke of Macy's Union Square: "A big objection we have is the congestion on the west side of Stockton Street ..." With the charitable organizations, there is left "approximately six feet of space" for pedestrians. "If somebody happens to stop and look in the window, there goes another couple of feet. And the congestion at Christmastime is of such a nature that people are forced to walk in the streets. ..." In terms of congestion, "I think we're just trading one for another" according to this proposal. "At Christmastime, we try to make exciting windows, and we invite people to look in the windows. ..."

Inspector Noakes stated that this was the same area where last Christmas there was a live demonstration in the window and there were charitable solicitors set up illegally in front of the windows, "and Macy's apparently did not call the cops on those." Mr. Kanke replied that they did telephone the Police. Ms. Noakes said that during the four hours she was there, the Police did not arrive.

David Donlevy of I. Magnin stated that his store has the same problem with limited sidewalk space and charitable vendors - "traffic comes to a standstill ..."

An unidentified man said that the sidewalks in the proposed locations will have tables six feet long with stacks of T-shirts. Mr. Lazar responded that the street artist tables are four feet long and five feet apart. The man asked Mr. Lazar to promise to be out there eight hours a day "with your measuring stick to make sure that they are four feet and adhere to the ordinance ..." Inspector Noakes intejected that she is out there doing this very job during Christmastime, on weekends and at nights as well.

Bill Wilkins of Campton Place: "I think that ... the city is turning into a loathesome bazaar ... the sidewalks are crowded." He asked that the artists consider setting up in a separate marketplace but not where sidewalks are crowded ... The intersection of Geary and Stockton will be particularly crowded at Christmastime ... Street artists in that area would be "an inappropriate use of the space." Furthermore, "the Square itself should remain inviolate."

Commissioner Genera asked the merchants present: If the Arts Commission went along with their request that no additional new spaces be designated,

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would there be an objection to extending the street artist selling time from November 1st through January 31st? Mr. Lawson responded that there is objection; according to the language the Arts Commission passed on to the Board of Supervisors last year that the main shopping season was between Thanksgiving and December 31st, that was why this was the time period always allotted. His organization, he said, has no idea why the artists were now proposing three months: "I've heard no reasons for any of this except that some people that make these goods feel that they need more places to sell ... has nothing to do with the impact on businesses or the city or any solid reason other than they want to make money. I think this is an entirely wrong approach to the city. When we talk about what we represent is our interest, you know that we're talking about literally tens of millions of dollars in tax revenue to the city. We're talking about tens of thousands of jobs. ... I think we have to realize where our priorities must be in the city right now."

Tom Lichtenberg of Books, Inc., said that "tripling the number of vendors and tripling the length of the season is an invitation for the illegals to come in ..."

Carla Hickman of Qantas: "Our business is changed very little by the Christmas season, but we still are trying to move toilet paper off of trucks, and lightbulbs, onto a sidewalk elevator that obviously would not be covered" but nevertheless her building's access has to be considered. ..."We're going to be losing a lot of that front sidewalk and are very concerned about that."

Diane Kirkpatrick of Saks 5th Avenue: "I'm concerned about the ambiance and the safety because we are pressed very hard where safety regulations ... The main point is we have such a variety of businesses here, if these people are that talented, then why don't they take the avenue and address it through the buying organizations of all of us and see if we're interested in selling their goods through the proper channels instead of having wholesale people on the street in competition with us. We are protecting the jobs of our people and our business. We do contribute heavily to taxes and support the city."

Mr. Lazar pointed out that many of his Program's street artists have stores handling their works; some have even had their works handled by Shreve's and by Macy's.

Diane Kirkpatrick affirmed that that was the "appropriate approach to take because there is such a veriety of merchants in San Francisco - legitimate retail merchants who pay taxes ... and are concerned about safety."

Bill Aubugliaro, Risk Manager of the St. Francis Hotel, stated that while people have not been hurt directly by street vendors, indirectly people have been hurt: "... vendors are an attraction ... people

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gravitate towards that attraction; therefore you have crowds, and when you have crowds you have problems. So Westin St. Francis is totally opposed to adding any more vendors in the Union Square area."

An unidentified man: "I don't think the economic argument should go unchallenged ... Clearly, this doesn't help the downtown area. It hurts it. And the $200 a pop in terms of the value of what people are paying for rent in that area is a rediculous amount of money."

Commissioner Eichelbaum stated that he felt strongly that, considering how difficult it was to obtain the existing downtown spaces, the present proposal was an "unreasonable request and will only bring down ... a hue and cry" from the merchants at the Board of Supervisors. He further stated that he personally objected to placing street artists in Union Square. He could see no reason for this and felt it would create "a situation that would be unsightly" as well as a litter problem. "To conduct business in a park does not seem to be a rational request." He felt the artists should request a few more spaces as they have every year, but this tripling of spaces seemed "a strange idea." He said he could understand asking for neighborhood spaces - these are areas where the artists could be attractive to shoppers; but "for a wholesale increase of a number of spaces in the Union Square area, I do feel that it is a little unfair to the merchants."

Commissioner Genera stated that he was not opposed to the artists asking for new spaces, but he felt that the Union Square Association and the merchants of that area would - with the present proposal - be bearing the brunt of the request; whereas he felt that the spaces should be spread out more throughout the city. "I would much rather see them ask for more spaces in areas that haven't been touched before, like 24th Street, Castro, and California Street."

Commissioner Eichelbaum expressed his recommendation for California Street which, he said, is a wide thoroughfare and, in the area described, there are no retail shops. Commissioner Genera asked if anyone present had any objection to the proposed spaces on California Street. No one expressed objection.

Mr. Lawson stated that there were a number of designated year-round spaces that have not been used - notably, Hallidie Plaza and Market Street where the sidewalks are wide. "The street artists want the heaviest possible traffic to make the maximum sales ... But they should be spread out" and not where there is the heaviest foot traffic problem.

Inspector Noakes said that the artists object to the insufficient policing on Market Street, that there is much theft, and that they only work there if they are unable to obtain better locations.

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The Commissioners said they would support the spaces that were designated last year.

Commissioner Genera moved that Mr. Lazar be directed to send the proposal back to the Street Artists Liaison Committee for an amended proposal that would (1) include all of the spaces designated the previous Christmas season; (2) include spaces on California Street (Kearny to Battery Streets), Market Street (including the proposed spaces by Nordstrom), Castro Street, and 24th Street; (3) but would not include an increase of new spaces in the Union Square area (due to the saturation of spaces in the area and strong merchant opposition); and (4) would include the extended time period for such designation, as per the present proposal (November 1, 1990 - January 31, 1991); the motion was seconded by Commissioner Eichelbaum and unanimously approved.

One of the representatives present cautioned about starting the street artist selling season earlier, as the streets would be congested due to the traditional conventions held in the first two weeks of November. Commissioner Eichelbaum said he did not think the streets were that congested in November, and "it's a wonderful time to shop because all the stores are already set up for their Christmas stocks."

Mr. Lawson said his group will be opposing the extended time period.

Commissioner Genera stated that he sensed that if the additional spaces are not obtained for the artists, the charitable groups and the illegal vendors will move in and take them. The merchants, he said, will have to deal with that.

Commissioner Eichelbaum asked Mr. Lazar to inform the Liaison Committee of the very strong opposition to the proposed increased time period, and that the opposition will probably get louder.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Daniel Katz - Certificate #1544 expired August 24, 1989; his request for priority was received by the office on April 27, 1990; his request for hearing with Program Committee was postponed to the present meeting at Mr. Katz' request.

B. Ronald Campbell - Certificate #___ expired August 1, 1986; his request for priority was received by the office on April 16, 1990; his request for hearing with Program Committee was postponed to the present meeting at Mr. Campbell's request.

C. Sherwin Stample - Certificate #___ expired October 22, 1982; his request for priority was received by the office on August 1, 1990.

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Commissioner Genera moved that the requests of former certificate-holders Daniel Katz, Ronald Campbell, and Sherwin Stample for priority issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST BY APPLICANT FOR PRIORITY ISSUANCE OF CERTIFICATE

A. Francois Bergez - was screened by Advisory Committee of Street Artists and Craftsmen Examiners on April 12, 1990, but did not pay for his certificate. Commissioner Genera moved that Mr. Bergez's request for priority issuance of certificate be approved.

IV RECOMMENDATIONS FROM STREET ARTISTS LIAISON COMMITTEE - 8/8/90 MEETING

A. Proposal for Choosing Lottery Committee Members (drawing names of volunteers from a hat). Program Director Lazar reported that the Liaison Committee voted 6 to 5 against the proposal submitted by street artist Bob Clark, but voted 8 to 1 to have it placed on the ballot for a vote of the street artists at the next Lottery Committee election (Saturday, August 25th). The artists' vote will be reported to the Program Committee at its next meeting in September; at that time, the Program Committee will be asked to vote for its recommendation for submittal of this proposal to the full Arts Commission in October.

B. Lottery Rule: prohibiting any artist from taking his/her lottery number from the pull-out of lottery slips before the name of each participating artist is called. The Liaison Committee unanimously voted to recommend that the Arts Commission approve the following language to be added to the lottery procedures ("PROCEDURES FOR SALES SPACE OCCUPANCY RULE"): "No lottery slip from the pull-out of lottery slips shall be removed until the name has been called. The lottery slips must be called in numerical order, from the lowest to the highest." Commissioner Eichelbaum moved that the above language of the lottery rule be approved; the motion was seconded by Commissioner Genera and unanimously approved.

V HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Chuck Wing Lee - Certificate # 3630. Alleged violations: (1) selling in an area not designated by the Board of Supervisors (selling at Chinatown gate); (2) exceeding display length and height regulations. Mr. Lee presented two documents: a letter requesting the assistance of an interpreter in Cantonese and a Peddler's License issued by the Tax Collector for "various locations." Program Director Lazar asked that Mr. Lee's hearing be continued to allow time for Mr. Lazar to check with the Police and the Tax Collector as to whether the Peddler's License entitles Mr. Lee to set up at Chinatown gate; and

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to try to arrange for an interpreter to be present at the next meeting. The Commissioners consented to this.

There being no new business, Commissioner Genera moved to adjourn the meeting; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

The meeting adjourned at 6:12 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

October 10, 1990
25 Van Ness Avenue
Conference Room - Suite 70
San Francisco, California

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Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:30 p.m.

I AMENDMENT TO ARTS COMMISSION POLICY OF "CERTIFICATE RENEWAL BY MAILED PAYMENT": PROVISION FOR EXTENDED TIME PERIOD FOR RENEWAL BY MAIL

The following amending language (underlined),drafted by Program Director Lazar, to the Arts Commission's policy of "Certificate Renewal by Mailed Payment," adopted July 12, 1982, was moved by Commissioner Genera, seconded by Commissioner Eichelbaum, and unanimously approved for recommendation to the Commission:

> CERTIFICATE RENEWAL BY MAILED PAYMENT: Whenever a street artist comes to the Street Artists Program office for renewal of certificate, the artist may sign and leave on file two blank certificate cards and necessary postage for mailing of the cards; upon receipt of the artist's mailed payment for each of the next two renewals, the staff shall validate and laminate the signed card and shall mail it to the artist. In the event that an artist requires an extended period of renewals-by-mail, the artist must submit a request for such extension of time in writing to the Director of the Street Artists Program, whereupon the applicable information and new expiration date will be entered onto a certificate card and then mailed to the artist for the artist's signature and returning of the card to the Street Artists Program for lamination and re-mailing to the artist.

II RESULTS OF STREET ARTIST VOTE ON PROPOSAL FOR CHOOSING LOTTERY COMMITTEE MEMBERS (DRAWING NAMES OF VOLUNTEERS FROM A HAT)

Program Director Lazar reported that, in keeping with the Liaison Committee's request to place the proposal on the ballot for a vote of the street artists, on August 25, 1990 the artists voted 26 to 11 against the proposal. The Commissioners chose to continue consideration of the proposal pending receipt of further informa-

Continued.....

tion from the proposal's authors.

III REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING/CERTIFICATION

A. Shiou-chang Cheng - requesting postponement to April, 1991.

B. Tiee-Ren Yang - requesting postponement to August, 1991.

Commissioner Genera moved that the requests by Shiou-chang Cheng and Tiee-Ren Yang be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV REQUEST BY APPLICANT FOR WAIVER OF 10-DAY PERIOD TO PAY FOR CERTIFICATE

A. Edward Everett-Ronning - was screened and approved by the Advisory Committee of Street Artists and Craftsmen Examiners on August 9, 1990 but failed to submit payment for certificate within the allotted ten-day period. Commissioner Genera moved that Mr. Everett-Ronning's request for waiver of the ten-day period be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Randy Wilkinson - Certificate #3697 expired September 1, 1990; his request for priority was received by Program on October 2, 1990.

B. Florence Hackel - Certificate #3682 expired July 26, 1990; her request for priority was received by the Program on September 19, 1990.

C. Marc Michel - Certificate #3490 expired May 25, 1990; his request was received by the Program on September 12, 1990. Mr. Michel told the Commissioners that he had failed to renew his certificate because at the time he had been unable to pay for it.

Commissioner Genera moved that the requests of Mr. Wilkinson, Ms. Hackel, and Mr. Michel be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VI HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Chuck Wing Lee - Certificate #3630. Alleged violations: (1) Selling in an area not designated by the Board of Supervisors; and (2) exceeding display height and length regulations. (hearing continued from September 12, 1990) Mr. Lee was not present. Commissioner Genera moved that the Program office request Mr. Lee to appear at the next Committee meeting and to inform Mr. Lee that failure to appear will result in the Committee's recommendation to the full

Continued.....

Arts Commission that Mr. Lee be found in violation of the street artists ordinance for selling in an area not designated by the Board of Supervisors and for exceeding the display height and length regulations and that his certificate be suspended for six weeks; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Hubert Emerson Ortis - Certificate #3560. Alleged violations: (1) Selling in an area not designated by the Board of Supervisors (repeat violation); and (2) improper conduct of business (verbal abuse and harrassment of Arts Commission staffperson). Program Director Lazar summarized the alleged incidents involving the first alleged violation (February 5, May 19, June 29, July 14, and July 15, 1990) and the second violation (July 15, 1990), and presented photographic evidence taken by the Art Inspector. The Program Director also called the Commissioners' attention to the Arts Commission's resolution on December 6, 1989, which found Mr. Ortis in violation of the street artists ordinance by selling in areas not designated by the Board of Supervisors and which, in lieu of suspending his certificate for the standard three-week period of suspension for such violation, warned him that any future such violation shall result in the standard six-week suspension for second violation.

The Commissioners heard from Mr. Ortis whose main points were as follows: (1) His promise to the Commissioners last December that he would no longer sell in areas not designated by the Board of Supervisors was contingent on the Art Inspector staying away from him; (2) since the Art Inspector continued to check up on him and "harrass" him, he chose to sell in areas not designated by the Board of Supervisors; (3) he chose to sell in such areas also because the Arts Commission is allowing some people to continue selling merchandise they do not make; (4) he did not abuse or harrass the Art Inspector. (Upon questioning before the Committee by the Program Director, Mr. Ortis said that when he told the Art Inspector, "Watch your a__," he did not mean it as a personal threat but as a caution against her actions possibly incurring a lawsuit from Mr. Ortis against the Commission.)

Art Inspector Noakes testified to the submitted evidence and the dates of the alleged incidents, read from her logbook, and told the Commissioners that Mr. Ortis had, in addition to verbally abusing her, waived a tool at her close to her face in a hostile manner.

Commissioner Genera moved that Mr. Ortis be found in second offense of the violation of selling in an area not designated by the Board of Supervisors, and that the standard penalty of six weeks suspension of certificate be imposed as per the December 6, 1989 Arts Commission resolution warning that any future such violation by Mr. Ortis shall

Continued.....

result in the standard six-week suspension for second violation, and that Mr. Ortis may exercise his right to appeal this recommendation to the full Commission; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera moved that, due to a lack of preponderance of evidence, Mr. Ortis not be found in violation by improper conduct of business, but that Mr. Ortis be given a warning that any verbal abuse, or harrassment, of an Arts Commission staffperson or another street artist will not be tolerated and will warrant further investigation, and that a conference of Mr. Ortis, Art Inspector Noakes, and Program Director Lazar be held to resolve any problem of communication; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Mr. Ortis said he intended to appeal the first recommendation to the full Arts Commission at its next meeting in November and to request that the Commission either divide the suspension time into other times of the year or to defer the entire suspension to another time of the year.

There be no new business, Commissioner Genera adjourned the meeting at 6:12 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

Govt Documents Section

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STREET ARTISTS PROGRAM COMMITTEE

November 14, 1990
Conference Room (basement area)
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chair, called the meeting to order at 4:32 p.m.

I REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING/CERTIFICATION

A. Arleen Scoggins - request for postponement to May, 1991.

B. Jane Siegel and Deke Hammitt - request for postponement to August, 1991.

C. Yolanda Castillo-Baltz - request for postponement to June, 1991.

Commissioner Genera moved that the requests for postponement of screening/certification for street artist certificate, submitted by Arleen Scoggins, Jane Siegel, Deke Hammitt, and Yolanda Castillo-Baltz, be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Manuel Orantes - Certificate #1745 expired July 17, 1989; Mr. Orantes' request for priority was received by the Program office on October 23, 1990. Mr. Orantes referred the Commissioners to his letter-request which cited his reason for relinquishing his certificate: he had attempted to go to Guatemala to help his ailing father. Commissioner Genera moved that Mr. Orantes' request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Paul Smith - Certificate #3335 expired December 30, 1989; Mr. Smith's request for priority was received by the Program office November 14, 1990. Street Art Inspector Barabra Noakes stated that she had observed Mr. Smith selling without a license in space # J-5 (Jefferson Street) on two occasions this past year. Mr. Smith admitted to the Commissioners that he sold illegally on August 12, 1990. He stated that he had relinquished his certificate because of his regular job with the Red-and-White Fleet who, in the aftermath of the earthquake, increased his work hours. Commissioner Genera warned him against any further

Continued.....

attempt to sell without a street artist certificate. Commissioner Eichelbaum endorsed the warning, stating any further attempt would jeopardize the selling situation for all the artists. Commissioner Eichelbaum moved that Mr. Smith's request for priority be approved; the motion was seconded by Commissioner Genera and unanimously approved.

III HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Jose Ruiz - Certificate #3670. Program Director Howard Lazar stated the Program's charges against Mr. Ruiz stemming from an alleged incident of September 3, 1990, as per the report submitted by Inspector Noakes: (1) improper conduct of business (disrupting the business of another street artist - Amy Dong - while shouting at and directing obscene gestures to the Art Inspector); (2) obstructing the duty of the Art Inspector; and (3) assaulting a staff person (hitting the Art Inspector in the face) of the Arts Commission. Mr. Lazar submitted copies of the Inspector's report and original photographs showing Mr. Ruiz pointing his finger into the camera lens and Amy Dong's attempts to escort Ruiz back to his stand, the Police Incident Report Form, and the Inspector's "Visit Verification" slip from Kaiser Hospital.

Inspector Noakes described the incident chronologically in detail, described the action depicted in her photos, and stated that prior to Ruiz' hitting her, she had received a strong shove from behind and when she turned she saw Ruiz hurrying away from her.

Mr. Ruiz stated that he had thought that the Inspector had made derogatory remarks about his craft on the preceding day, which had angered him. On the next day, he said, the Inspector tried to photograph him - he said she "chased" him "around" with the camera- he did not want her to photograph him; he held out his hand, he said, to stop her from photographing him, and she ran into his hand with the camera which hit her in the face.

Inspector Noakes testified that Mr. Ruiz had made no attempt to talk to her, that he pursued her and shoved her - this, she said, was premeditative and not done "in the heat of passion." She further stated that she has the right, in the line of duty, to take photos of, and to cite an artist for, unbusinesslike behavior.

Street artists Sally Rowley and Larry Rosenbloom spoke in support of Mr. Ruiz' businesslike behavior during the times they have sold near him.

Mr. Ruiz denied he followed the Inspector down the street and shoved her.

Continued.....

Program Director Lazar stated that he had requested witness Amy Dong to appear and to testify but she had failed to do so. He submitted her statement which testified to hearing Ruiz arguing with the Inspector but not actually seeing "the hitting or shoving."

Commissioner Eichelbaum stated that Ruiz's behavior had been "childish ... an uncontrolled temper tantrum." Unless the assault was serious, he said, or unless the Inspector wanted to press charges, the Commissioner felt that a strong warning to Mr. Ruiz would be in order, that any further such behavior would not be tolerated.

Commissioner Genera stated that it was obvious there had been physical contact and a misunderstanding, but he could not believe that Mr. Ruiz deliberately punched Inspector Noakes. If there was actual evidence - witness testimony or a photograph - of Mr. Ruiz hitting the Inspector, the Commissioner said he would recommend revoking him.

Program Director Lazar requested the Commissioners to recommend revocation of Mr. Ruiz's certificate.

Commissioner Eichelbaum noted that Mr. Ruiz had no record of previous offenses or disturbances in the Program, that two artists had testified to his character in positive terms, and that there was no preponderance of evidence to support the charges. Commissioner Eichelbaum moved that Mr. Ruiz be given a warning that the Program Committee would recommend a six-week suspension of Mr. Ruiz's certificate for any future incident involving Mr. Ruiz with improper conduct of business, whether such improper conduct involves the Commission staff or another artist, or for obstructing the duty of an Arts Commission staffperson, and the Program Committee would recommend revocation of Mr. Ruiz's certificate for any future incident of assault against anyone; the motion was seconded by Commissioner Genera and unanimously approved.

B. Chuck Wing Lee - Certificate #3630. Mr. Lee did not appear. Program Director Lazar told the Commissioners that, at their request, he had written to Mr. Lee on October 22nd, stating that the Program Committee was informing him that if he failed to appear at the next Committee hearing (November 14), the Committee would recommend to the full Commission that he be found in violation of the street artist ordinance for selling in an area not designated by the Board of Supervisors and for exceeding the display height and length regulations and that his certificate be suspended for six weeks.

Commissioner Eichelbaum stated that he recently saw Mr. Lee and his display in the non-designated (illegal) location, the Chinatown Gate. The Commissioner stated that Mr. Lee's display was defacing a work of public art. Commissioner Genera moved to recommend

to the full Commission the above findings of violation and a six-week suspension of Mr. Lee's certificate; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV NEW BUSINESS

As Commissioner Genera would be out of town at the time of the next scheduled meeting date, the Commissioners decided to not have a Program Committee meeting in December and to meet again in January.

The meeting adjourned at 5:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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SF ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

January 9, 1991
Arts Commission Conference Room
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:00 p.m.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Jane Khoshsefat - Certificate #3206 expired July 8, 1990; her letter-request for priority was received by the Program on December 24, 1990.

B. Chung Hee Tak - Certificate #1325 expired April 28, 1990; her letter-request for priority was received by the Program on December 26, 1990.

C. M. Nasser Raees-Saadi - Certificate #3604 expired December 13, 1990; his letter-request for priority was received by the Program on January 9, 1991.

D. Hubert Emerson Ortis - Certificate #3560 expired September 13, 1990; his letter-request for priority was received by the Program on December 11, 1990.

The Commissioners decided to consider the request of Mr. Ortis with Mr. Ortis' hearing on suspension period of certificate (Item IV of these minutes).

Mrs. Khoshsefat and Mrs. Tak appeared. The Commissioners referred to their letters. Program Director Lazar stated that in May of 1990 the Program returned Mrs. Tak's check for certificate renewal, along with a letter informing her that she was required to renew her annual Business Tax Registration (Tax Collector) in order to renew her street artist certificate. Mrs. Tak's daughter, Mrs. Khoshsefat, said her mother never received the letter and the check, and that she, Mrs. Khoshsefat, had not been aware that her mother's annual street artist certificate had not been renewed. They both had not been out on the streets selling. Commissioner Genera moved that the requests of Jane Khoshsefat, Chung Hee Tak, and M. Nasser Raees-Saadi be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Continued.....

II REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. Jane D. Meriwether - request for postponement until December, 1991.

B. Ahysa Hanson - request for postponement until February, 1993.

The Commissioners noted, from Ms. Hanson's letter, that Ms. Hanson was requesting a postponement until the time when she becomes sixteen years of age and eligible, by law, for a street artist certificate. Commissioner Genera moved that the requests for postponement by Jane D. Meriwether and Ahysa Hanson be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST BY STREET ARTISTS FOR DESIGNATION BY BOARD OF SUPERVISORS OF TWO PERMANENT SELLING SPACES ON BEACH STREET, NORTH SIDE, AT HYDE STREET

Program Director Lazar explained that due to the advent of the new chairtable solicitors ordinance, an area has been vacated by charitable solicitors: the northwest corner of Beach Street, at Hyde Street. Mr. Lazar referred to the map he had mailed to the Commissioners which showed the proximity of two licensed peddlers (Police Peddler's licensees), the cablecar tracks and Victorian Park, and the existing line of street artist spaces on Beach Street. The now vacant area would be able to accommodate two street artist spaces which could conform with the requirements for street artists; they would require no exemptions from the regulations if designated by the Board of Supervisors. Mr. Lazar submitted a petition received by his office of 47 street artists requesting such designation.

Street Art Inspector Barbara Noakes pointed out that the Program had lost many valuable spaces further down Beach Street due to the placement of a bus zone; the two requested spaces were vital as partial payment for what had been lost. Mr. Lazar added that his own recent survey revealed that since the allocation of 599 spaces in 1977, the artists lost 253 spaces; of this number, 214 are viable (workable) spaces - this loss, he said, is divided roughly equally between the Wharf and Downtown areas. With close to 600 artists presently in the Program, he said, the Program sorely required more spaces; asking for the two on Beach Street, he felt, was not unreasonable. He further stated that he sent an agenda of this Program Committee meeting to the Executive Secretary of the Fisherman's Wharf Merchants Association and that, so far, the Program has not heard from him.

Commissioner Genera moved that the street artists' request for designation by the Board of Supervisors of two permanent selling spaces on Beach Street, north side, at Hyde Street, be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Continued.....

IV REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE/HEARING ON SUSPENSION PERIOD OF CERTIFICATE: HUBERT EMERSON ORTIS

(As per the Arts Commission's finding of Hubert Emerson Ortis in second violation of the street artists ordinance by selling in areas not designated by the Board of Supervisors, and the Commission's approval of a six-week suspension of Mr. Ortis's certificate to be divided into two three-week time periods whose dates of suspension are to be determined by the Program Committee, the following hearing was to determine the dates of suspension of such periods.)

Program Director Lazar explained that Mr. Ortis' certificate (#3560) expired on September 13, 1990, and that his letter request for priority above the waiting list of applicants in the issuance of a new certificate was received by the Program on December 11, 1990. Previously, Mr. Ortis had sent the Program a postcard in September stating that he would be coming to the office to renew his certificate; but he did not come in until December 11th.

Mr. Ortis told the Commissioners he failed to renew because he had not made any money and he had been sustaining illnesses throughout the autumn. Commissioner Genera noted that Mr. Ortis' certificate had expired in September, and yet Mr. Ortis came before the Program Committee in October for a hearing on his violations of the street artists ordinance while at the time did not have a certificate. The Commissioner pointed to the number of times Mr. Ortis came before the Arts Commission on violation charges and stated that it was his impression that Mr. Ortis did not care about being in the Street Artists Program.

Mr. Ortis responded that he did care, but that he had difficulties with the Art Inspector.

Mr. Lazar stated that during last October and November Mr. Ortis did not communicate with the Program about the status of his license. The Program discovered that his certificate had expired when the staff made its count of the number of artists who had dropped out of the Program by early December.

Mr. Ortis stated that because he was one of the few persons in the Program who made his own items and that he was being "harrassed for trying to make an honest living," he "lost interest and determination in the Program." He now wanted to get a new license because, he said, there were "not as many people making" his "design anymore." Program Director Lazar asked him if he would help the Program in identifying artists who did not make their own work. Mr. Ortis responded that he would but that the Art Inspector "likes to talk, but she doesn't like to listen."

Continued.....

Mr. Lazar told Mr. Ortis that he, as Director, has a "rough time with anybody who picks on the staff; the staff is my staff. None of us is perfect, but we all have a job to do. ... What I want to see here is, if you come back to the Program and ... mind the rules, we'll do our best - as we're trying to do - to nail those people who are not only trying to sell what they don't make but" are committing "other violations" as well. Mr. Lazar further stated that the staff had a substantial caseload of violations to refer to the Committee, and that "it's not fair to me, and it's not fair to her" (the Inspector) "to say 'I'm doing this because she's harrassing me.' "

Mr. Ortis replied that he understood this but he did not want to be the one to identify various persons selling illegal bracelets. Mr. Lazar responded that this was not a condition of Mr. Ortis' obtaining a license, but cooperation on his part with the Inspector was a condition: "It's known as not obstructing the duty of a staffperson."

Mr. Ortis said he realized his attitude had not helped the work of the staff in administering the Program. He further stated that he had acted on his "egotistical impulses." He added that he wished the Inspector would give him some conversation, because he had tried to talk to her. At this point, Art Inspector Noakes interjected that the last time she tried to talk to him in order to advise him of his expired certificate, he told her to "get out of here, don't bother me, you just enforce what you want to, you s__head, leave me alone." Mr. Ortis admitted he said this but only because the Inspector, he said, had "embarrassed" him.

Mr. Lazar told Mr. Ortis that the Inspector was administering her job as fairly as she knew how among 200 - 300 artists on a given day, that "people in the world cannot always be expected to act or re-act the way we want them to," and that Mr. Ortis had to change his expectation of how people should speak to, and respond to, him. Mr. Ortis said he understood the position of the staff.

Commissioner Genera noted that this was the third time Mr. Ortis had come in for a hearing with the Program Committee; he added that this was a waste of time, that there was no reason why the Committee had to be enduring this controversy again. He said that he saw all of it as Mr. Ortis' fault "for neglect and just lack of interest." He said that, in all fairness, he could not see how his Committee could recommend a priority in the issuance of a certificate for Mr. Ortis. He felt that Mr. Ortis should re-apply and go through the normal waiting period. The Commissioner further stated that he was considering the Program as a whole and that "I feel that if you have a family, a wife to feed, I think that should even give you more initiative to take care of matters and do it a lot faster."

Mr. Lazar informed the Commissioners that the present average waiting period for a street artist certificate was only two months, and that

Continued.....

Mr. Ortis' wife still had a certificate and was able to sell.

Commissioner Genera stated that once Mr. Ortis obtains a new certificate, he still has to return to the Program Committee to discuss his suspension period.

Mr. Ortis told the Commissioners that, in the meantime, he would not sell in any street artist space and would try to find space on private property. He said also that when he does obtain a permit, he will request the Arts Commission to allow him to take his suspension in consecutive three-week periods; by that time, he said, he will be able to sell in May. He then requested that he be given his certificate now so that he could sell during winter and then have his suspension in April or May. He then said that if he could not be granted a certificate now, he would help his wife set up and work, and when his wife cannot work, he would sell not in a street artist area but anywhere else he can. Even if the Inspector calls the Police on him, he said, he will still sell.

Mr. Lazar clarified that it was allowed for Mr. Ortis to help his wife at her display, but that if he were caught taking money from a customer, it would be considered a violation by Mr. Ortis' wife - allowing a salesperson to sell for her. Mr. Ortis said he understood: "I could live with that."

Commissioner Genera moved that Mr. Ortis' request for priority in the issuance of a certificate be disapproved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Mr. Lazar stated that he would mail an application for a street artist certificate to Mr. Ortis* and that Mr. Ortis should return it to the Program as soon as possible.

Commissioner Genera moved to postpone consideration of Mr. Ortis' certificate suspension periods until Mr. Ortis obtains a certificate through the normal waiting period; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

There being no new business, the meeting adjourned at 4:55 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

* Mr. Lazar mailed an application for street artist certificate to Mr. Ortis on January 11, 1991.

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STREET ARTISTS PROGRAM COMMITTEE

March 13, 1991
Arts Commission Conference Room
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San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:00 p.m.

I REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING/CERTIFICATION

A. Patricia Newton - request for postponement to May, 1991.

B. Susan Tibbon, Posey Tibbon - request for postponement to May, 1991.

C. Sylvie Schmid - request for postponement to June, 1991.

D. Brenda Talbott - request for postponement to June, 1991.

E. Francisco Javier - request for postponement to January, 1992.

Commissioner Genera moved that the requests for postponement by applicants for street artist certificate Patricia Newton, Susan Tibbon, Posey Tibbon, Sylvie Schmid, Brenda Talbott, and Francisco Javier be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Nami Akhavi - Certificate #3651 expired September 26, 1990; Mr. Akhavi's request for priority was received on February 25, 1991. Commissioner Genera moved that Mr. Akhavi's request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III PROGRAM DIRECTOR'S FINDINGS FROM 2/6/91 INQUIRIES ON COMPLAINTS SUBMITTED BY STREET ARTIST SUSANA THOMASES AGAINST STREET ARTISTS ENRIQUE PEREZ, MARK MONSARRAT, SANDRA BLENIO AND DAVID MASON FOR VARIOUS ALLEGED INCIDENTS OF IMPROPER CONDUCT OF BUSINESS

Program Director Lazar discussed each of his findings as outlined in his February 8, 1991 letter-response to Ms. Thomases, copies of which had been sent to Commissioners Genera and Eichelbaum.

Continued.....

Commissioner Genera noted that in each situation, Ms. Thomases had been involved in a conflict with an individual. Mr. Lazar reiterated that, in each case, he could not find "substance," or a preponderance of evidence, which would be required for submittal to the Program Committee for hearing. There was, however, evidence in the first case that an error had been made by a Lottery Committee worker which had resulted in a loss of opportunity in obtaining a space for Ms. Thomases; the Program Director was, therefore, requesting authorization to ask the Lottery Committee to compensate Ms. Thomases by providing her with priority selection of a favorable space on a weekend during 1991. Finally, Mr. Lazar had warned Ms. Thomases and the other artists involved that if in the future they conflicted with each other, the Program would charge them with improper conduct of business and would submit the matter(s) to the Program Committee for a hearing to suspend or revoke their certificates.

Commissioner Genera moved that Program Director's findings be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Eichelbaum moved that the Program Director be authorized to request the Lottery Committee to compensate Ms. Thomases for loss of a space by providing Ms. Thomases priority in the selection of a favorable space on a weekend at any time during the year 1991; the motion was seconded by Commissioner Genera and unanimously approved.

IV PROGRAM DIRECTOR'S AND ART INSPECTOR'S REPORT ON CASES OF ALLEGED VIOLATION OF STREET ARTISTS ORDINANCE DURING CHRISTMAS SEASON, 1990; SELECTION OF CASES BY PROGRAM COMMITTEE FOR HEARINGS

Program Director Lazar and Art Inspector Noakes showed the Commissioners materials and photographs related to each of the following cases of alleged violation and summarized the incidents, as cited by Ms. Noakes during the Christmas season, 1990, and requested the Commissioners to select those cases for hearings in the future:

	STREET ARTIST	ALLEGED VIOLATION(S)	DATE(S)
A.	Walter Cloud	Selling in area not designated by Board of Supervisors	12/22/90
B.	Ronnie Taylor	Selling in area not designated by Board of Supervisors	12/22/90
C.	Enrique Mendoza	(1) Selling in area not designated by Board of Supervisors; (2) improper conduct of business/obstruction of duty of Art Inspector	12/22/90

Continued.....

D.	Horatio Tubio	(1) Selling in area not designated by Board of Supervisors; (2) improper conduct of business/obstruction of duty of Art Inspector	12/22/90
E.	David Spieler	(1) Selling in an area not designated by Board of Supervisors; (2) exceeding display length regulation; (3) improper conduct of business/obstruction of duty of Art Inspector	12/30/90
F.	Victoria White	Selling in area not designated by Board of Supervisors	12/22/90
G.	Marc Cassius	Selling in area not designated by Board of Supervisors	12/1/90 12/2/90 12/21/90 12/23/90

Commissioner Genera moved that the Program Committee hear the cases of alleged violation by Enrique Mendoza, Horatio Tubio, David Spieler, and Marc Cassius, and that the cases of alleged violation by Walter Cloud, Ronnie Taylor, and Victoria White be dismissed with a warning; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V HEARING ON REQUEST BY APPLICANT FOR ISSUANCE OF CERTIFICATE

A. Jean Jacques Abello - Mr. Abello was approved by the Advisory Committee of Street Artists and Craftsmen Examiners on January 10, 1991 for certification but was denied a certificate by the Program Director pending a hearing by the Program Committee on charges by the Program that Mr. Abello had committed battery against, and had physically obstructed the duty of, the Art Inspector on December 21, 1989 (Police Incident Report #891656212).

Program Director Lazar stated his position that Mr. Abello be denied certification on the grounds that (a) it was illegal for Mr. Abello to have been in a street artist selling space; (b) it was illegal for him to be selling without either a street artist certificate or a Police peddler's license; and (c) he had physically obstructed the duty of an Arts Commission staffperson. While the District Attorney's office had dismissed the case without requesting photographic or other evidence from the Art Inspector, Mr. Lazar reminded the Commissioners that theirs was an administrative proceeding the decision of which was independent from the outcome of the criminal proceeding.

Art Inspector Noakes recounted the alleged incident and emphasized that Mr. Abello had "grabbed my hand that had the camera in it." The incident resulted in the Police having to handcuff Mr. Abello.

Mr. Abello stated that he had sold illegally for two days and that

Continued..... .....

when the Inspector came to his stand he did not know who she was nut thought she may be a "bag lady." He said she grabbed something in her bag, he saw something black, he grabbed her camera, and that was when she said she was the Inspector. The reason the Police handcuffed him, he said, was because he talks with his hands and he inadvertently put his hand on the Policeman. He was later released, went to his hearing, and the case was dismissed. He said he never sold on the streets since that time, and that the reason he had put his hand on the Inspector's arm was because he had felt he had to defend himself - as soon as she identified herself, he let go.

Commissioner Eichelbaum said it seemed there were two different versions of the story, that there might have been a reason for Mr. Abello's confusion and lack of understanding of what was happening, that his behavior did not constitute any criminal action, and that the Commissioner was willing to overlook the incident considering that Mr. Abello had been through mental anguish already and appeared to realize the gravity of the situation. The Commissioner added that he did not feel there was enough of a reason with withhold a certificate from him.

Commissioner Genera said the incident should be treated as an event of the past, Mr. Abello was not a street artist and had nothing to do with the Program a year ago, that there was no reason to deny him a certificate, and that if a future incident occurs of his obstructing the duty of a staffperson, the former incident will be re-considered. Commissioner Genera moved that Mr. Abello's request for issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VI PROGRAM DIRECTOR'S REPORT ON STREET ARTISTS PROGRAM BUDGET 1991-92; PROPOSED CERTIFICATE FEE INCREASE

Program Director Lazar presented the Program budget for 1991-92 and stated that the budget, as always, was supported entirely by the collection of street artist certificate fees. In order to meet next year's budget, Mr. Lazar was proposing that the fee be raised from the present $230 a year to $286 a year. Mr. Lazar further stated that it would be necessary for the Program to have a minimum of 600 artists paying this fee.

Street artists Bruce Allison, Jill Mayberg, Mark Monsarrat, Larry Rosenbloom, and James Millard requested the Commissioners to consider a higher fee than that proposed by Mr. Lazar. A higher fee, they said, would not make it critical for the Program to maintain 600 artists and would allow for the number of artists to drop to 550 or 500, thus allowing for more opportunity, they said, in obtaining selling spaces at the lotteries. They asked the Commissioners to postpone their consideration to allow time for a questionnaire to be circulated at the lottery requesting artists to vote on what they feel would be an

Continued.....

appropriate number of licensees and what their necessary fee should be. Mr. Millard presented a petition of 100 signatures of artists recommending the suspension of screenings of new applicants for certificates for one month so that "an appropriate poll can be made of opinions concerning the balancing of busget between more total licenses, or increased license fee."

Program Director Lazar and street artists Bill and Bob Clark individually stated that the City Attorney's office had clarified that it would be illegal for the Arts Commission to limit the number of certificates, that there could not be a moratorium nor even a deliberate slowing down of screenings.

The Commissioners stated that they would postpone this matter to their meeting of the following month so that the artists could vote on their questionnaire and submit the results to the Committee. Chairman Genera asked that the entire meeting be devoted to this one item.

VII NEW BUSINESS

Street Artists Bill and Bob Clark thanked Commissioners Genera and Eichelbaum for their March 4th letter-response to the Fisherman's Wharf Merchants Association's letter of February 4th. The two artists said that the Commissioners' letter-response was "graciously accepted by the street artists at large."

There being no further business, Commissioner Genera adjourned the meeting at 6:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

April 10, 1991
Arts Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:10 p.m. In attendance were sixteen street artists.

I HEARING ON PROPOSED CERTIFICATE FEE INCREASE FOR 1991-92 (continued from 3/13/91 Program Committee meeting)

The Chairman called on Program Director Lazar to summarize the issues and present his recommendation.

Mr. Lazar stated that at the last Program Committee hearing he had proposed a budget for 1991-92 based upon the prediction that the Program would attain 600 street artists by July, and that these people would share the cost of next year's budget at an annual fee of $286 per artist. At last month's hearing, the Committee heard from a number of artists who expressed difficulty in obtaining selling spaces through their lotteries due to the current increase of new licensees and requested that the Program Committee postpone a decision for at least a month to allow the artists time to circulate a questionnaire for an opinion as to what their fee should be. These artists had stated they believed that most street artists would want to pay a fee higher than that proposed by the Director so long as the number of artists would be lowered. The Commissioners postponed the hearing to April. Mr. Lazar went on to say that at the last meeting street artists Bill Clark and Bob Clark and he had individually stated that the City Attorney had clarified in writing previously that the Arts Commission does not have the authority to limit the number of street artists. In 1977 the Arts Commission was interested in limiting the number of artists to 800, and the Commission put this into a question to the City Attorney who responded on March 31, 1977, and reiterated this response in a letter of October 31, 1986. Mr. Lazar, continuing, stated that at the time he was proposing a new fee of $286, the Program was still processing a backlog of applicants. Through the years, the Program had not been able to match the number of artists dropping out of the Program with the number of new people obtaining certificates; this was how the Program dropped from 560 to 437 artists over a year ago. At the start of the present fiscal year, the Program commenced to hold two screenings (sessions) of applicants per month, rather than one, in order to build up the number of certificateholders to support the budget. This resulted in the number rising to 555 as of April 9, 1991, and the backlog now exhausted. Because of this, Mr. Lazar stated he did not feel the

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Program would attain 600 artists, and that, if anything, the Program through its normal attrition would recede to about 500 during the next fiscal year. At the same time, during the past month, the artists had circulated their questionnaire and had sent him the results: 154 responses had been received out of a lottery of 197 artists; 102 (69%) wanted the certificate fee increased; 45 (30%) wanted the fee of $286 as proposed by the Director; for those who wanted a higher fee, 88 (88%) wanted a fee of $342 based on 500 artists in the Program, while 11 (12%) wanted a fee of $311 based on 550 artists. Mr. Lazar asked the Commissioners to consider that the majority indicated they wanted to pay $342 and have the number of artists lowered to 500, and to consider also that the number was currently 550 and would predictably decline by attrition to 500 by the end of summer. Therefore, Mr. Lazar's original recommendation of $286 would not be able to cover next year's expenses. He now recommended an annual fee of $350 which would provide an excess of $4,000 to accommodate the possibility of the Program falling slightly below 500 artists.

Mr. Lazar further stated that the artists, for the past three years, have been paying an annual fee of $230 which represents 63¢ a day; if they were to pay an annual fee of $350, it would be 96¢ a day.

Mr. Lazar told the Commissioners that early in the week he had received a petition from artists requesting that there be no increase in the fee and offering several proposals to cut expenses. In response to the petition's taking issue with "8%" salary raises, Mr. Lazar stated that it was a matter of the Board of Supervisors in negotiations with the Civil Service Commission and employees union to standardize City salaries with managerial and other positions of local municipalities. In response to the petition's proposal that the Program office be open for only a few days of the week, Mr. Lazar stated that it was his understanding that this would violate the City Charter. In response to the petition's proposal that the Art Inspector's job be made part-time, Mr. Lazar stated that he personally objected to this because several years ago the City Attorney clarified in writing that the Arts Commission could no longer defer to the Police Department for enforcement of some or all of the regulations of the street artists ordinance, and that although the Arts Commission was limited in its enforcement resources, the Commission was nevertheless mandated to enforce the law (Mr. Lazar read to the Commissioners excerpts from a July 5, 1985 letter from the City Attorney).*

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* In addition to the City Attorney's statement, the Controller's Report, "Art Commission Audit," January 31, 1984, which was distributed to the Mayor, Board of Supervisors, and Grand Jury, stated: "Due to the cutbacks in staffing, the Street Artist Certification Program was without an investigator for most of the fiscal year 1982/83. Consequently, the potential existed for street vendors to sell non-handcrafted merchandise in competition with local merchants in unregulated areas of the City. ... We recommend that the Art Commission seek a fee increase so that there would be sufficient funds ... to hire an investigator. ..."

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This was the main reason why the Program Director felt that the position of the Art Inspector had to be maintained at a full-time level. Mr. Lazar added that he had always felt, since the advent of the position in 1976, that the activities of the Program warranted two full-time Inspectors to effectively and consistently enforce the street artist ordinance. He still wanted a second Inspector position but chose not to request it at this time in the budget. He stated he would fight any proposal for a part-time single Inspector.

Commissioner Eichelbaum stated he was sympathetic with the idea of trying to cut the budget somewhat in order to minimize an increase in the fee. He said it appeared to be a big jump in the fee.

Street artist James Millard presented the questionnaire conducted by the artists. He said he felt there was a need to "economize the budget." However, he said, the new proposed fee of $350 still worked out to less than a dollar a day. He hoped that the total number of licensees would stay at 500 which, he said, has been the average for the past five years. Otherwise, the proposed fee of $286 would mean an increase of about a third of the licensees, a lottery size a third larger, a cut in the artists' access to viable selling spaces by a third, and a cut in the artists' incomes by a third. That was why the artists delivered, he said, such a strong response, a willingness to give themselves a higher fee. Mr. Millard went on to say that this year, for the first time, the Program experienced an accelerated screening process - two screenings per month - with each screening being very large in size. Many artists, he said, had expressed the fear that Mr. Lazar may not have been scheduling enough time for each applicants's screening for a true verification of whether the applicant made their craft. If these large screenings were to continue, the Program would not have enough resources to do the necessary shop visits for further verification. He pointed to the possibility of former T-shirt vendors "slipping through" an overcrowded, overworked screening process which, he said, is rumored to have happened. He added that this could make for disastrous results on the Program. Mr. Millard asked the Program Director if, with less applicants at a screening, more time could be spent in examination with each applicant. Mr. Lazar responded that more time could be spent - for example, the Advisory Committee of Street Artists and Craftsmen Examiners could spend twenty minutes with an applicant, and if this was unsatisfactory, the Committee could still elect to do a studio visit. Mr. Lazar asked him what he thought would be an appropriate number of applicants which the Advisory Committee could comfortably examine during a screening meeting; Mr. Lazar responded that he could notify fifteen applicants which would allow for at least three to five who would not appear. Mr. Millard stated that this was closer to what his group had estimated: ten or so applicants would be a reasonable amount "to accurately assess whether or not the individuals do make their craft and to make sure that we aren't overloading the Program with people who haven't made their art."

Street artist Bruce Allison told the Commissioners that there had been

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an "excessive amount of people being processed through in order to meet the budget." Whether there are 500 or 600 artists, he said, is not the issue; if Mr. Lazar wanted to meet the budget next year he could increase the screening process by "recruiting" new licensees; therefore, the fact that there is no longer a waiting list "is not a correct argument." The screening process should be kept down, and the budgetary problem should not be allowed to affect the number of people to be processed each month. He went on to say that in terms of cutting the budget, rather than get rid of a position, the office hours could be monitored so that the tasks performed during the day could be studied, the hours could eventually be streamlined, and an assessment could be made of whether the Program needed as many staffpeople. He added that he thought Mr. Lazar "was right: you do need an Art Inspector out there ..." but that it remained to be seen whether it necessitated a full-time position or a position that could be shared by another person in the office, and that was a question that could only be answered through monitoring.

Street artist Paul Warner told the Commissioners that, in his opinion, the proposed fee of $350 was too low. At Fisherman's Wharf, he said, he has prime retail space which is very safe and with no problem getting to his car, no worry about his money being stoken. "I feel it's really undervalued ... what street artists have available. I wouldn't mind personally to pay $600 a year" which, he said, was "a very small amount of money to have a viable income for the entire year." Mr. Warner added that the merchants at the Wharf who pay tens of thousands of dollars a month for their long-established businesses in essence pay for people to come to see them; these people, in turn, "buy our wares as a second thought."

Street artist Larry Rosenbloom stated there was no reason a program as simple as the Street Artists Program required three full-time employees. People, he said, were not begrudging the fee increase; it's just that they saw "a lot of waste." He said the Program in Berkeley was run in a much-less involved way. He added that if the budget were examined by an outside party, it would be seen as "an overblown budget." He also said that people doubted whether, after paying a higher fee, the streets wouldn't be "flooded" with more artists anyway. While acknowledging the City Attorney's statement, he said that the rate of screening could be controlled.

Street artist David Samuel stated that 151 artists had signed the petition, and that no one was afraid of raising the fee; but he for one wanted to see the costs go down and wanted to see, also, a correlation between the selling spaces and the number of licensees. He questioned the cost of the rent for the street artist office including the (Commission's) meeting room which, he said, was "excessive" and "scary." (At this point, Mr. Lazar interjected that it was "scary" only because the Street Artists Program had never had to pay rent until now.) Mr. Samuel saw that with the decline of licensees, each artist may be paying $600 to support the Program fairly soon; therefore it was felt that an in-depth view of the

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running of the Program should be implemented either by City government or by an independent, because some of the costs seemed "outrageous." He objected to an 8% raise in "already hefty salaries" and questioned the validity of three full-time employees. "To keep the Program healthy ... for the artists to make a reasonable living," he said, "the costs of the Program should be kept at a minimum." He said that if there would be a "dent" made in the "enormous amount budgeted for office supplies, the screening committee, find office space we can afford ... and eliminate one of the three positions, we could save thousands."

Street artist John Bass told the Commissioners that the Program was "deteriorating" because of the large number of licensees, that people who had sold commercially-manufactured items on the streets now had licenses, but that the answer was not in the artists' petition. He said the Program was "politically very vulnerable",that there were political interests who wanted to destroy it, and that "our only protection against this is regulation." The type of Program in existence, he said, should be a full-time program. He addressed the artists in the room: "Let's face it, folks, you want something for nothing. Right now we get something for nothing. ... We are allowed to sell, operate our businesses, in ... commercially viable areas where store owners pay thousands a week for rent. We pay $4 a week ... for rent for our businesses. ... If we're going to protect our position in the city's economy and in the political structure, we have to continue with a regulatory program." He warned that if the artists stopped supporting their City agency program, they would be forced into illegality - it would not be the Street Artists Program staff who will regulate the Program; "you will be paying the mafia. People on Beach Street do not understand this, because they lead a sheltered life." He stated that he resented the personal attacks being made on the present Art Inspector. He said "she does a decent job" and that she has helped him. He added that the people who do not have economically viable operations will be eliminated by the marketplace if the fee is sufficiently high. "I support a fee annually of $600 a year; it comes to $12 a week ... it's not too high. ... You spend 45¢ a day on salaries. ... I find this quibbling ... about a few pennies is absolutely rediculous ... irresponsible ..."

Street artist Bill Clark stated that it was the people of Beach Street who had made it legal for street artists to sell throughout the city. He pointed out that the City Charter required that the street artist certificate fee be no higher than that which was necessary to cover the costs of administering and enforcing the Program. With respect to the screening process, he wanted to reiterate what Mr. Lazar had said at the last meeting: the street artists ordinance requires that upon submittal of an application, the applicant is to be given a screening date; at the present time, since there is no longer a waiting list, it is possible for an applicant to be given a screening date when he applies. Mr. Clark also pointed out that, by law, members of the screening committee must meet for at least two hours in order to receive

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compensation; a screening, therefore, should contain enough applicants to warrant at least two hours. He mentioned his lawsuit against the City to return to the Street Artists Program the street artist fees deposited in the general fund in early years: his attorneys were preparing to file an action next month, and if they prevail, this present issue of a fee increase may be moot because there will then be surplus funds. Mr. Clark further stated that there was a problem with the issuance of a yearly certificate: next fiscal year's projected revenue does not take into account those artists who paid for a year under the old fee (prior to the start of the next fiscal year) which represented a subtracted amount of money from the anticipated income. Mr. Clark suggested that the Arts Commission ask the City Attorney whether it is possible to prorate the licenses at the higher fee. If the answer is yes, artists can be notified of an adjustment in their fee. If this cannot be done, it may be prudent at this time to ask for a much higher fee.

Mr. Lazar responded that he had considered this and had found that from July 2, 1990 to April 9, 1991, 143 artists had renewed for a year. Secondly, the question proposed by Mr. Clark had been submitted to the City Attorney two years ago, and an answer had not been received. He said he would ask the City Attorney again.

Street artist Virginia Burris stated that the influx of new street artists has added vitality to the Program, and that she was proud to see the new people. She said also that she wished the Art Inspector's job could be shared by Mr. Lazar and the screening committee, because the artists "can't afford higher fees all the time."

Street artist Bob Clark stated that "the City of San Francisco took over a quarter of a million dollars out of our Program which was intended to be used to help keep the costs down. This is the gist of our lawsuit ... to attempt to get that money back." He said that the whole concept of the Street Artists Program was not to start something that an established businessman could get into and make ten, twenty, or thirty thousand dollars a year but "to give opportunity to everyone, whether rich or poor, whether they had a job or didn't have a job, ... to break away from something that they didn't want to do as a livelihood but get into something at the bottom rung of the ladder ... and maybe that first year ... make only a thousand or two thousand dollars ... but down the line, through persistence of hard work, you will eventually become self-supporting." The major reason this Program was created, he said, was to protect those people coming into the Program. If the City Attorney responds that people who paid for a year under the old fee cannot have thier licenses prorated, Mr. Clark wondered how many of the artists present who favored a much higher fee would buy an annual license just bevore the new fee is enacted. He added that while Art Inspector Noakes was "doing a great job," the City which took a quarter of a million dollars out of the Street Artists Program has not paid for Police to regulate the Program, as is provided in the street artists ordinance.

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Street artist Kelly Ladas stated that the Art Inspector shows up two days a week, a few hours a day, whereas the artists are paying for a forty-hour week plus benefits for the Inspector. Ms. Ladas said she doesn't make half as much money as the staff and she resented an 8.8% wage increase.

Street artist Peter Wiley stated he was in support of a budget reduction, and that he felt the budget "will smother the Program."

Street artist Lynn Roberts said her background was that of a management analyst and that she questioned what the Program has achieved during the past year from the three salaries. She said that the Program has lost spaces and that she has seen no effort being made to obtain more and better spaces. She added that she has seen doctors and nurses, "real service providers," cut "in years that weren't have as bad as this." She said she wanted to see something accomplished by the Program for her money, as advertising street artists as a tourist attraction, or the Program seeking grants funding.

Mr. Lazar responded that it was his understanding that the Program cannot apply for grants; that several years ago he had put together a brochure to advertise the Program but this was halted when the City Attorney clarified that the street artist fees could not be used for this purpose; and that the Program was able to achieve, after lengthy meetings with the merchant organizations and the Board of Supervisors, 79 additional selling spaces for the last Christmas season, as well as usage of those spaces for a much longer time period "than ever before, in the face of more adversity than this Program had ever garnered - and two of us were directly responsible for doing our part to get those spaces." Mr. Lazar also reminded everyone present that the staff was still working on obtaining two additional spaces on Beach Street which have been requested by the artists, in the midst of heavy opposition by the Fisherman's Wharf Merchants Association. Mr. Lazar was also working on the removal of the tour buses who park alongside the street artist spaces on Hyde Street,blocking customers' view of the artists and polluting the air with their idling engines.

Commissioner Genera invited Ms. Roberts to attend the Program Committee meeting which will consider this year's Christmas spaces "so you can see what we have to go through just to get" the spaces. The Commissioner went on to say that if it is decided to raise the fee, the screenings should be at least twenty or thirty minutes per applicant which will make for a more thorough screening.

Street artist James Millard submitted a list of "Street Artist Recommendations to Provide Better Communication and More Complete Information" which included a card-catalogue system "to provide immediate and accurate count of artists' licenses" and the publishing of monthly statements "accessible in the Wharf-lottery suitcase" so that the artists attending the lottery would be able to see the total number of licenses, the

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previous month's new licenses issued, and the previous month's number of discontinued licenses. Mr. Millard said he had spoken to Mr. Lazar about these items and the Director was in agreement and would attempt to implement these measures as soon as possible.

Street artist Bill Clark objected to the slowing down of processing applicants. He said that in the last three months 80 people had dropped out of the Program, and this represented a loss of income for the Program of $57.50 per person. Furthermore, he said, 500 people will not be paying $342 a year; the ones who will do so will be those who pay quarterly. He warned that a slowdown of screening could mean that the rate of new applicants will not keep up with the rate of dropouts, and this could result in the artists and the Arts Commission having to go back to the Board of Supervisors mid-year with a request for another fee increase. He added that the cost of such a subsequent increase could actually deter people from seeking a license. The Commission should consider proposing a high enough fee - perhaps, $375 - in order to keep from going through this ordeal in the middle of the year.

Street artist James Millard said the Program was at a high number of artists now, that there was expected another influx of new artists from the April screening, and that it did not appear that there would be a jarring effect on the Program by the number of people dropping out. "It's at a point now where we can carefully tune the situation to make sure we have enough artists in this Program to finance the Program and yet have appropriate time to schedule the screenings properly."

Mr. Lazar stated that if he observed the Program starting to plummet, he would, as before, schedule a second screening of applicants for the month.

Commissioner Eichelbaum stated that he wanted to study and re-evaluate the costs of the Program.

RECOMMENDATION

Commissioner Genera moved that it be recommended that the Program Director's budget for 1991-92 and proposal for an annual street artist certificate fee of $350, based on 500 street artists, be approved with close monitoring of the entry and dropout rates of certificateholders; that the street artists be encouraged to examine the budget for possible cuts, ever dependent upon applicable legal restrictions; that the Advisory Committee of Street Artists and Craftsmen Examiners be directed to spend a minimum of twenty minutes screening time per street artist applicant; and that the City Attorney be requested for clarification as to whether certificates may be prorated; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

There being no new business, the meeting adjourned at 5:45 p.m.

Respectfully submitted

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, May 8, 1991
Arts Commission Conference Room
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, convened the meeting at 4:00 p.m.

I FINDINGS/RECOMMENDATIONS BY ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: APRIL 4, 1991 HEARING ON CHARGE SUBMITTED BY ANTHONY VEINA AGAINST JACQUES BARABOO ALLEGING THAT BARABOO COPIED THE "STYLE" AND "DESIGN" OF VEINA'S METAL "COLLAGE"-STYLE JEWELRY

Program Director Lazar described the Advisory Committee's visits to the studios of Veina and Baraboo. Street Art Inspector Noakes described the "collage"-style jewelry in question. It was noted that neither Mr. Veina nor Mr. Baraboo, who had been notified of the Program Committee meeting, were present. The Commissioners referred to the February 2, 1990 City Attorney letter clarifying the Arts Commission's role in the matter of copying of street art, and reviewed the Advisory Committee's findings and recommendations as follows:

1) Items submitted by Baraboo were not comparable to items submitted by Veina.

2) Items submitted by Baraboo do not constitute a denial of Baraboo's certificate.

3) The Advisory Committee recommends that the staff pay particular attention to Baraboo's display in the future, and that Baraboo be warned to refrain from selling any new work (new in design or style) until he submits such work to the Advisory Committee for examination.

Commissioner Eichelbaum moved that the Advisory Committee's findings and recommendations be accepted; the motion was seconded by Commissioner Genera and was unanimously approved.

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTISTS ORDINANCE

NOTE: The following cases of alleged violation were selected for hearing by the Program Committee, on 3/13/91:

A. Enrique Mendoza - Certificate #3453. Date of alleged violation:

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12/22/90. Alleged violations: (1) selling in areas not designated by the Board of Supervisors; and (2) improper conduct of business/ obstruction of duty of Art Inspector.

Program Director Lazar stated that Mr. Mendoza had telephoned to postpone the hearing, that he, Lazar, told him there could not be a hearing as Mendoza's certificate had recently expired, and that should Mendoza wish to re-apply for a certificate, a hearing on the above alleged violations would be scheduled for the Program Committee.

B. Horatio Tubio - Certificate #2196. Date of alleged violation: 12/22/90. Alleged violations: (1) selling in an area not designated by the Board of Supervisors; and (2) improper conduct of business/ obstruction of duty of Art Inspector.

Mr. Lazar reported that Mr. Tubio was doing a crafts fair and requested a postponement of his hearing to June. The Committee directed Mr. Lazar to reschedule the hearing for June.

C. Marc Cassius - Certificate #2490. Dates of alleged violations: 12/1/90, 12/2/90, 12/21/90, 12/23/90. Alleged violation: selling in an area not designated by the Board of Supervisors.

Commissioner Eichelbaum questioned Mr. Cassius on the alleged incident of December 1, 1990, 6:15 p.m., on Stockton Street (east side), Geary to O'Farrell Streets. Mr. Cassius stated that the reason he was not in a legal space was because he was "in transition" - that is, about to move into one of the legal spaces made available by vacating artists. This was witnessed, he said, by another artist, his mother Lynn Sunday. Mr. Cassius submitted a letter on his behalf by Ms. Sunday.

Street Art Inspector Noakes testified that, according to a report she had received from another artist, Mr. Cassius had been in the illegal location for fifteen minutes, and that he was found directly across from an area that has been excluded from selling because of a potential fire hazard.

With respect to the alleged incident of December 2, 1990, 6:30 p.m., on Market Street (south side), at 5th Street, Mr. Cassius stated that while Market Street was not a safe place, he had encouraged other artists to try the new temporary Christmas spaces by Nordstrom with him. He further stated that he had been signed in to a legal space nearest to the San Francisco Centre (Nordstrom) entrance. Responding to questions by Commissioner Genera, he said that he knew it was "technically an illegal spot." The reason why he was there three times, he said, during December was because the "situation" was similar to that a block away: the "danger" and "unpleasantness" of a nearby garbage can, the presence of shopping-cart people stopping

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at the garbage can ("your health could be at stake, potentially you could get lice from someone like this"). He said he understood he was violating the twelve-foot doorway regulation but did not feel he was being a hazard.

Inspector Noakes stated that she had observed Mr. Cassius and another artist selling illegally adjacent to the doorway; she referred the Commissioners to the photos and a map of Cassius' location in her report. She had asked the artists to move; they complied. Ms. Noakes further stated that the artists at the lotteries were informed about the exact locations of the Christmas spaces and were given booklets of maps furnished by the Program.

Commissioner Eichelbaum stated that the reported incidents were infractions but, in his opinion, were minor.

With respect to the alleged incident of December 21, 1990, 1:30 p.m., Market Street (south side) at 5th Street, Inspector Noakes showed Mr. Cassius' alleged location on a map. Mr. Cassius stated that on this day he did not pose as an obstruction. He had signed into a legal space and had moved into a place which he felt was safe, away from hazards, and near the protection of the head of security (at the Centre) who, he said, was "friendly" to him throughout the Christmas season and had told him, as well as other artists, that where they were set up was "fine with him." Commissioner Genera noted from the photos that Mr. Cassius was set up adjacent to the Centre's entrance.

With respect to the alleged incident of December 23, 1990, 2:45 p.m., 2:50 p.m., 3:05 p.m., and 5:30 p.m., on Market Street (south side) at 5th Street, Inspector Noakes testified, referring to her photos, that Mr. Cassius had been set up with his wife by the entrance of the Centre, then had moved to a location adjacent to another set of doors of the Centre, and moved again - this time to space "Z-69." Mr. Cassius told the Commissioners that the Inspector had come along and this time he became "intimidated" and ran away. He further stated that in none of these occasions did the Inspector speak to him or ask him what the circumstances of the day were. (At this point, Mr. Lazar interjected that the Inspector's logbook records her conversation with Mr. Cassius during Christmas regarding the location of spaces.) At the time he moved into a space, he said, there were "young guys at the corner spitting at my wife," and he went back to the location in front of the doorway where, he said, he finished out the day. He stated that although the Inspector had cited him on three days, there were actually four occasions that he sold adjacent to the doorway; "I made my decision, and I felt that I would suffer the circumstances later on, and I tried to make the best of it."

Commissioner Eichelbaum stated that it was through effort that those

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particular spaces were obtained for Christmas; Mr. Cassius and others had decided that they had to shift the spaces; if this continued, there would be more such incidents. Whatever the circumstances, he said, Mr. Cassius was in violation; he wished Mr. Cassius would reconsider the situation and try not to be as willful about it as in the past. These incidents could lead to problems with the merchants.

Mr. Cassius stated that, in the future, he would not cause this kind of problem, that he would go to another place, a safer area.

Commissioner Genera stated that he could not find Mr. Cassius in violation for the alleged incident of December 1, 1990, as Mr. Cassius had stated that he had been waiting to move into a legal space. Furthermore, he could not find him guilty of all the violations if he receives encouragement from the security of Nordstrom.

Inspector Noakes stated that other artists are encouraged to break the rules when they see Mr. Cassius breaking the rules and if no censure results or if the censure is so slight that there is little risk for them to break the rules.

Program Director Lazar stated that it is the responsibility of every street artist to know the law; ignorance f the law is no excuse - especially since the spaces at Christmas were carefully painted by the City. He added that at Christmastime, because of the increased activities of the artists, his orders to the Inspector were to enforce the law by the book, be helpful and communicate with the artists, but to not spend much time with any case as this could divert her attention from continuous inspection of the displays.

Inspector Noakes told the Commissioners that the first seven days of the Christmas season she disseminated copies of the maps booklets to artists at their spaces who had not received them at the lotteries. She had also warned new licensees against violations of space and other regulations.

Commissioner Genera moved that Mr. Cassius be found in violation of the street artists ordinance by selling in locations not designated by the Board of Supervisors on December 2, December 21, and December 23, 1990, and to suspend a penalty for such violations with a warning that in the event Mr. Cassius repeats such violation (regardless of locale), the Arts Commission would consider imposing a penalty; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Mr. Cassius said he had learned from this experience and that he would be one of the people expending effort to try to obtain Christmas spaces.

III HEARING ON REQUEST BY APPLICANT FOR ISSUANCE OF CERTIFICATE; HEARING ON SUSPENSION PERIODS OF CERTIFICATE

Continued.....

Hubert Emerson Ortis. Program Director Lazar explained that on November 5, 1990, the Arts Commission, by resolution, found Mr. Ortis in second violation of the street artists ordinance by selling in areas not designated by the Board of Supervisors, and approved a six-week suspension of Mr. Ortis's certificate to be divided into two three-week time periods whose dates of suspension were to be determined by the Street Artists Program Committee. After this action, it was discovered that Mr. Ortis had allowed his certificate to expire and was, therefore, without a certificate to suspend. Mr. Ortis then applied for a new certificate and waited for an examination of his wares by the Advisory Committee of Street Artists and Craftsmen Examiners. On February 12 and 20, 1991, Mr. Lazar received telephone calls from a street artist asserting that Mr. Ortis was selling without a certificate in a street artist space on Beach Street. Mr. Lazar called the Police and went to Beach Street where he was told that Ortis had removed his display and left the space as soon as he saw the Police. On March 28, 1991, the Advisory Committee of Street Artists and Craftsmen Examiners examined Mr. Ortis's wares and approved him for certification. Mr. Lazar informed Mr. Ortis that, due to the reports of his illegal selling, he would not issue him a certificate without a hearing before the Street Artists Program Committee on the charge of selling in a street artist space without a certificate, a violation of the street artists ordinance. Mr. Lazar told the Commissioners that the ordinance, in fact, directs the Arts Commission to consider such a charge in making a decision as to whether to issue or deny a certificate. Therefore, there were two separate hearings related to Mr. Ortis on the present agenda: (1) a hearing on whether to recommend that Mr. Ortis be granted a certificate; and (2) if it is so recommended, a hearing to recommend the dates of the two suspension periods for the new certificate, as per the Commission's November 5, 1990 resolution.

Mr. Lazar submitted a letter from street artist Amy Dong asserting that Mr. Ortis had set up in street artist space "B-11" on Beach Street; without Ms. Dong's presence to testify, however, the letter could not be considered as evidence.

Street Art Inspector Noakes stated that she had received complaints from other artists that Mr. Ortis had sold in the white zone on Jefferson Street and by the Cannery entrance. The Inspector submitted photos of Mr. Ortis and a person, she said, who has been observed as an assistant who sells Ortis's work on the other side of Jefferson Street while Ortis is set up by the Cannery. The Inspector stated that the work on both tables is identical.

Mr. Ortis stated that the man was once an employee of Alioto's who was laid off work and was given permission to sell on private property, and that he, Ortis, had approved him to sell Ortis's designs on the property. As for the alleged incidents on Beach Street, he said he

Continued.....

did not want to sell in a white zone, so he tried to sell in a street artist space on "a day that was very slow, a Tuesday or Wednesday ... days when fifty percent of the spaces" were vacant. He did not think it would be a problem until Ms. Dong, whom he said dislikes him, decided to call Mr. Lazar. He did not feel this was a violation for which he should be penalized. He said he then returned to the white zone after he was unable to sell in a street artist space.

Commissioner Genera stated he did not feel the Committee could consider the complaints against Mr. Ortis by other artists because they were not present to testify.

Commissioner Genera moved that Mr. Ortis be granted a certificate, that said certificate be suspended for two three-week time periods as per the November 5, 1990 Arts Commission resolution, and that should Mr. Ortis be found in violation of any part of the street artists ordinance during either of the two suspension periods, the Committee would consider recommending revocation of said certificate; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera moved that, as per the Arts Commission resolution of November 5, 1990, relative to Hubert Emerson Ortis, the certificate of Mr. Ortis be suspended for two three-week time periods from June 14 through July 5, 1991 and from September 3 through September 24, 1991; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV NEW BUSINESS

A. Request by former certificate-holder Jane C. Anderson (Certificate #3892 expired 3/27/91) for priority in issuance of New certificate.
Commissioner Genera moved that the request by Ms. Anderson be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Letter-request from Spike's Cafe for Arts Commission endorsement as a performers center for Police Department Entertainment Permit.
The Commissioners reviewed the letter and stated that they did not see the request as falling within the Arts Commission's purview. No action was taken.

There being no further business, the meeting adjourned at 5:58 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

June 26, 1991
Arts Commission Conference Room
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:10 p.m.

I PROPOSAL FROM HARVEST FESTIVAL: HARVEST FESTIVAL-ARTS COMMISSION JOINT AWARDS PROGRAM FOR STREET ARTISTS

Program Director Lazar introduced Mr. Brian Layng of the Harvest Festival who presented his proposal. Mr. Layng started with the history of his Festival, its pattern of three-day shows each involving 300 - 400 exhibiting artists, the San Francisco show having a waiting list of exhibitors. Mr. Layng stated that his company's "mission ... is to help artists sell directly to the public" and that his shows have worked with local communities on charity projects (for one such project, the Harvest Festival raised 150 tons of donated food for a local municipality). Mr. Layng went on to say that because the Harvest Festival wanted to become involved in San Francisco's community, his group felt that the Street Artists Program was a good place to start, as many of the Festival's exhibitors have their roots in the Street Artists Program. He proposed an annual award to recognize distinctive craftsmanship by street artists - 5, 10 or 12 recipients from different categories.

Mr. Layng outlined the following points: an information flyer to all street artists, announcing the dates and times in August for the artists to show their work in their street spaces for jurying; a joint selection committee composed of Harvest Festival personnel and members of the Arts Commission's Advisory Committee of Street Artists and Craftsmen Examiners to view the artists' works on the streets; a presentation of awards in September; the award itself to be an invitation to the artist to exhibit and sell his wares in this fall's Harvest Festival in San Francisco (the Festival to donate the space). The selected artists would exhibit as a group in a special part of the Festival, the theme of their exhibit to be a street scene with street signs, trees, etc., near the entrance to Brooks Hall by Fulton Street. There would be an awards ceremony or reception just prior to opening the show. This would be a pilot program for this year. If it goes well, a more elaborate event will be planned for next year which marks the 20th anniversary of both the Street Artists

Continued.....

Program and the Harvest Festival. Mr. Layng asked for an endorsement by the Arts Commission of the awards program in principle.

Mr. Layng went on to say that he envisioned a project team of three people: a staffperson from the Street Artists Program, a representative from the Harvest Festival, and a spokesperseon from the street artists. He said that the Harvest Festival would print the program announcement, take the leading role in the jurying process, and sponsor the awards and awards ceremony. He asked that the Street Artists Program handle the distribution of the announcement and that the selected street artists help in building the displays (the Harvest Festival to pay for the materials). He reiterated that his group wanted to do this because they were interested in promoting art, exposing people to their event, and doing something for the community.

In response to questions by the Commissioners, Mr. Layng stated that 25 to 30 exhibitors in his show are, or have been, street artists; the awards would pertain to categories; the Harvest Festival was looking for historical crafts as toys and model ships, unique, distinctive, handmade all-American crafts, and also entirely new items.

Both Mr. Layng and Program Director Lazar stated that the criteria for the awards should be published in the announcement.

The Commissioners heard from street artist Bascia Smith who stated that she did not want to see craft categories; street artist Bill Clark who said an election should take place among the street artists to select their spokesperson and that it be made clear to all artists that their displays - even at Justin Herman Plaza - must not exceed 3' x 4' x 5' on the jurying days; street artist Horatio Tubio who said that the jurying should be done on some weekdays and some weekends; and Art Inspector Barbara Noakes who said that artists should be asked to respond as to what days of the jurying they will be displaying their wares.

Commissioner Genera moved that a Harvest Festival-Arts Commission joint awards program for street artists be approved in principle and that the project move underway as soon as possible; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera moved that the Advisory Committee of Street Artists and Craftsmen Examiners be authorized to jury with Harvest Festival representatives street artist wares and displays for the Harvest Festival-Arts Commission joint awards program; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING OF WARES

A. Bill Fortinberry - request for postponement of screening of wares to May, 1992. Commissioner Genera moved that Mr. Fortinberry's request be approved; the motion was seconded by Commissioner

Continued.....

Eichelbaum and unanimously approved.

B. Philip Gao - request for postponement of screening of wares to June, 1993. Commissioner Genera moved that Mr. Gao's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Mari Ellen Rowe - Certificate #3746 expired April 30, 1991; request for priority was received by Program on June 4, 1991.

B. Marlene Calcagni - Certificate #3478 expired May 26, 1991; request for priority was received June 19, 1991.

C. Elizabeth Rogers - Certificate #667 expired May 6, 1991; request for priority was received June 17, 1991.

D. Angela Smidt - Certificate #3876 expired June 11, 1991; request for priority was received June 26, 1991.

Commissioner Genera moved that the requests by Mari Ellen Rowe, Marlene Calcagni, Elizabeth Rogers, and Angela Smidt be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

E. Phillip Zamorra - Certificate expired May 1, 1986; request for priority was received by Program on June 7, 1991. Mr. Zamorra was not present, nor had he submitted medical documentation to support his request. No action was taken on the request.

IV HEARING ON ALLEGED VIOLATIONS OF STREET ARTISTS ORDINANCE

A. Horatio Tubio - Certificate #2196. Date of alleged violations: December 22, 1990. Alleged violations: (1) selling in an area not designated by the Board of Supervisors; (2) improper conduct of business/obstruction of duty of Art Inspector. (Hearing continued from 5/8/91 meeting.) Street Art Inspector Noakes presented details of the case in chronological order and stated that she had been asked to enforce the regulations strictly during the Christmas season. She submitted photographs of Mr. Tubio's display in an alleged area not designated by the Board of Supervisors, on O'Farrell Street near Stockton Street.

Mr. Tubio told the Arts Commissioners that he had been selling illegally because he had wanted to be cited: street artist space "O'Farrell #9" was now occupied by mail boxes, and he had wanted to demonstrate that the non-designated location next to it should be made into a legal space. Furthermore, he said, across the street from him there had been three illegal vendors of whom neither the Art Inspector nor the Police had done anything. He went on to say that the Art Inspector made a derogatory

Continued.....

remark to him and that was why he called her a parasite, and that he pays her salary and yet "she works for the merchants" and does nothing about the illegal vendors.

Commissioner Eichelbaum stated that what was serious was that Mr. Tubio took it upon himself to become illegal in order to make a point, and that it was not possible to justify this act. He proposed that the artist be censured and given a warning.

Commissioner Genera concurred. He added that he did not feel that Mr. Tubio had obstructed the duty of the Inspector.

Street artist Bill Clark stated to Mr. Tubio that the artists at Christmastime had been asking their peers to not set up illegally because this could jeopardize the future in obtaining more selling spaces.

Street artist Robert Clark stated to Mr. Tubio that if some street artists did not break the rules, there would not be a need for an Art Inspector; and that "if anyone's working for the merchants, you're working for the merchants by breaking the law and giving them justification to ask for elimination of spaces. ..."

With respect to the charge of improper conduct of business/obstruction of duty of Art Inspector, Commissioner Eichelbaum stated that it could not be found that Mr. Tubio had committed an offense nor that the Inspector had verbally offended Mr. Tubio. Commissioner Genera stated that it appeared that it was one's word against another's and that the Inspector had fulfilled her duty by writing the citation.

Commissioner Genera moved that Mr. Tubio be found in violation of the street artists ordinance by selling in an area not designated by the Board of Supervisors and to suspend a penalty for such violation with a warning that if Mr. Tubio repeats such violation, the Commission would consider imposing a penalty; and that the charge of improper conduct of business/obstruction of duty of Art Inspector be dismissed; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V PROPOSAL FROM STREET ARTISTS BILL CLARK AND GINNY BURRIS AND PROGRAM DIRECTOR HOWARD LAZAR: "PROCEDURE FOR MAKING POLICY: All new items of street artist policy submitted to the Street Artists Program shall be initially calendared on the agenda of the Street Artists Program Committee for possible referral to the Street Artists Liaison Committee."

Program Director Lazar described how, for the past several scheduled meetings of the Liaison Committee, very few members of the Liaison Committee had appeared, and business could not be voted on. Noticeably absent, in fact, had been members who had proposed items for their

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agenda. The procedure now being proposed would make any item of policy submitted to the office go directly to the Street Artists Program Committee rather than be taken up first by the Liaison Committee. The Program Committee would have the option of either taking action on the item or referring it to the Liaison Committee (preferably with a time limit) for action and resubmission to the Program Committee.

Street artist Bill Clark told the Commissioners that it was not right for the Program staff to have wasted their time attending meetings of which the majority of members had failed to appear, and that he, Mr. Clark, received no compensation for wasting his own time at such meetings.

Commissioner Genera moved that the proposed "PROCEDURE FOR MAKING POLICY" be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VI PROPOSAL FROM STREET ARTISTS BILL CLARK AND GINNY BURRIS: ELIMINATION OF MINI-LOTTERY (LEAVING THE "MINI-MINI LOTTERY" AS THE ONLY SECONDARY LOTTERY)

Street artist Bill Clark presented his argument for eliminating the mini-lottery. Both he and Program Director Lazar requested that the matter be given a second opportunity for review by the Liaison Committee with the stipulation that if the Liaison Committee fails again to have a quorum, the matter will automatically return to the Program Committee for action.

Commissioner Eichelbaum agreed with this, "for the sake of fairness" to the artists.

Commissioner Genera asked that the matter be re-referred to the Liaison Committee with a statement on the agenda that if the Committee fails to act on it at the meeting, it is to be referred back to the Program Committee.

VII PROPOSAL FROM STREET ARTIST BILL CLARK: SPACE-SHARING SYSTEM

Street artist Bill Clark explained how his proposal could help to alleviate the pressure for getting spaces at the lotteries; that, if approved, any artist could allow another artist to sell on a portion of the first artist's display so long as the first artist remained at the display; that this did not mean that the displays would exceed the size regulations nor that artists would revert to the illegal practice of "squeezing" (setting up their displays illegally between legal spaces); and that there was already a precedent for sharing spaces by virtue of a family unit member obtaining a space and allowing his unit partner to sell in the space with him.

Continued.....

Commissioner Eichelbaum questioned whether the proposal could be construed by some store merchants as doubling the number of artists, as well as whether some artists might demand money from other artists for the use of their spaces. He recommended that it be re-submitted to the Liaison Committee.

Street artist Robert Clark suggested that the proposal be implemented for a trial period of July and August.

Commissioner Genera supported the idea of a trial period for summer rather than for the Christmas season. If the proposal fails, it would be before Christmas; if it succeeds, the Arts Commission would be in a position to tell the merchants at Christmas that it works.

Street Art Inspector Noakes pointed out that the proposal could allow for a diversity of crafts in a little space, and that the public was attracted to diversity.

Commissioner Eichelbaum moved that the proposal for "SPACE-SHARING SYSTEM" be approved for a three-month trial basis for the months of July, August, and September; the motion was seconded by Commissioner Genera and unanimously approved.

VIII NEW BUSINESS

The Commissioners confirmed that their next Committee meeting would be held on Wednesday, July 10th.

There being no further new business, the meeting adjourned at 6:05 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

July 10, 1991
Conference Room (basement)
25 Van Ness Avenue
San Francisco, California

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Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chairman, convened the meeting at 4:05 p.m.

I FROM PROGRAM DIRECTOR: SUBMITTAL OF PETITION (RECEIVED 5/28/91) OF 46 STREET ARTISTS REQUESTING ARTS COMMISSION TO PROCEED WITH A VOTE ON PROGRAM COMMITTEE 1/9/91 RECOMMENDATION THAT TWO PERMANENT SELLING SPACES FOR STREET ARTISTS BE DESIGNATED ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET

Program Director Lazar submitted the petition of 46 signatures he had received on May 28, 1991, which stated: "We, the undersigned, request the Arts Commission to take a vote on our recent request for two additional artists spaces adjacent to B-1 (Beach Street curb near Hyde). These spaces are much needed and now that staff has conferred with the Wharf Association, we want the Arts Commission to act soon on this matter so we can press it with the Board of Supervisors next."

Mr. Lazar informed the Commissioners that he had, on March 12, 1991, carried out the Commission's directive to present the artists' request to the Fisherman's Wharf Merchants Association (and had later met with Mr. Alessandro Baccari, the Association's Executive Secretary, on Beach Street at Hyde Street to review the proposed site). Mr. Lazar further stated that he sent an agenda of today's meeting to Executive Secretary Baccari and had also sent the same agenda with a personal note to Mr. Stanley Roth of S. F. Pretzel Co. who had opposed the artists' request on the grounds that his pretzel/hot dog stand under a Police peddler's license entitled him to the site. Mr. Lazar had, in addition, tried to contact Mr. Roth by telephone and had left a message informing him of today's meeting. This morning Mr. Lazar spoke with Mr. Baccari who said he would not attend the meeting, that he had already presented his organization's position, and that he had tried to reach Mr. Roth by telephone to alert him of the issue but Mr. Roth had not returned his call. Mr. Lazar asked that the artists' request now be placed before the full Arts Commission.

Street artist Robert Clark stated that Mr. Roth was incorrect in

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asserting that his peddler's license entitled him to occupy the proposed site.

Commissioner Genera moved that the Program Committee's January 9, 1991 recommendation that the Board of Supervisors designate two additional permanent selling spaces for street artists on Beach Street, northwest corner, at Hyde Street, be re-confirmed; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II PROPOSAL FROM STREET ARTIST BILL CLARK: SPACE-SHARING SYSTEM

Program Director Lazar summarized that, on June 26, 1991, the Program Committee voted to recommend that the space-sharing system proposal be approved by the Arts Commission for a three-month trial basis, and that the Arts Commission, having received a petition of street artists objecting to the proposal, refrained from voting on it so that it could be referred back to Committee for further consideration. The purpose of today's hearing was to hear reasons or arguments as to why the Committee should consider rescinding its recommendation.

Street artist Virginia Burris objected to the proposal by stating that (1) it would circumvent the lottery system by allowing artists with "the most friends to get the best spaces"; (2) it would be difficult to enforce against an artist's selling another artist's work (at the same table); (3) it would be similar to "squeezing" (the past practice of artists selling in illegal locations between legal selling spaces); and (4) it would negate the lottery's occupancy rule because it would allow people to occupy spaces by not obtaining them through the lottery.

Commissioner Eichelbaum clarified that the intention of the proposal was to benefit people who were not able to obtain a good space through the lottery, and that these people would not be given an entire space but would be allowed to share a space with the artist who obtains it through the lottery.

Street artist William Clark objected to the petition that was circulated by Virginia Burris because, he said, Ms. Burris had "misinformed" the signators as to what the issue was about and had urged them to sign the petition, and because he, Mr. Clark, had not had the opportunity to address her remarks. He went on to say that (1) the proposal would not circumvent the lottery - rather, if a person missed the lottery due to an emergency the person would still have an opportunity to sell; (2) he resented the fact that Ms. Burris was speaking on behalf of a group of people who had chosen not to attend the meeting, that their lack of presence was not fair to those who wanted to address the issues; (3) an artist who shares his space with another would not be allowed to leave or give his space to the other; and (4) the proposal is enforceable: the argument that, in the Inspector's absence, the artists would cheat is the same argument merchants have used against the Street Artists

Continued.....

Program itself, which is, he said, "an unfair assumption."

Street Art Inspector Barbara Noakes stated that, if the proposal were adopted, she would be able to tell whether or not an artist is in violation by seeing that if there were two people behind a stand, there would have to be two licenses on display.

Mr. Clark stated that if he vacated a space prior to 3:00 p.m., his friend in the space would not be entitled to retain it - this would be in keeping with the lottery's rules.

Commissioner Genera stated that he asked artists on Market Street, close to where he works, how they felt about the proposal: everyone said they were for it; some had heard about the petition but had not signed it; others were convinced to sign it. He had asked one artist why so many had signed it, and the artist had replied, "I'm sure it was the way it was presented."

Mr. Clark stated that when he spoke with many who had signed the petition, they all changed their opinion.

Street artist Xavier LeBon told the Commissioners that he was in support of the proposal because people who want to be together increase their business. Since family units of artists were allowed to share their space, he did not see why individual artists could not be allowed to share. As a single licenseholder, he would appreciate having the opportunity, during difficult times, to sell from a portion of a friend's table.

Commissioner Genera stated that he had said long ago that mere petitions of signatures were not enough to convince him to change his mind; if artists were against this proposal, they would have shown up and filled the room. The merchants have done this, he said, when they were against a proposal. He added that there was no reason why a single street artist could not have an "adopted family" to share with, and that this proposal might alleviate the problem of some artists selling in illegal locations. The proposal could help the artists and also make the enforcement job easier; the proposal, he said, was "fair." He wanted to see it tried on a three-month basis: if it causes problems, the Commission could terminate it.

Mr. Clark vowed that if the proposal engenders "squeezing," he would be the first to inform the Commission, as he had been the one who asked the Commission before to end the illegal practice.

Commissioner Genera moved to re-confirm the Program Committee's June 26, 1991 recommendation that the proposal for space-sharing system be approved for a three-month trial basis; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Continued.....

III REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING OF WARES

A. Arleen Scoggins - request for postponement to July, 1992. Commissioner Genera moved that the request by Arleen Scoggins for postponement of screening be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV REQUEST BY APPLICANT FOR WAIVER OF 10-DAY POLICY ALLOTTED FOR OBTAINING CERTIFICATE

A. Patricia Newton - Ms. Newton's arts and crafts were approved by the Advisory Committee of Street Artists and Craftsmen Examiners on June 27, 1991; her letter requested a waiver of policy in order to obtain her certificate in October, 1991: "I receive Social Security due to my handicaps. Social Security has a "Pass Program" that I'm applying for to help myself to earn money. They will pay for the license and for all of my art materials for one (1) year to help me get started. I am hoping they will approve it by October, 1991 ..." Commissioner Genera moved that the request by Patricia Newton for waiver of the ten-day policy on obtaining a certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V REFERRAL OF CANDIDATES (TO BE INTERVIEWED 7/17/91) FOR ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS, TO ARTS COMMISSION MEETING OF AUGUST 5TH

Commissioners Genera and Eichelbaum were scheduled to interview candidates for three positions on the Advisory Committee of Street Artists and Craftsmen Examiners on July 17, 1991. Commissioner Genera moved that the names of the candidates selected on July 17th be submitted to the full Arts Commission at its meeting of August 5, 1991; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VI NEW BUSINESS

A. Request by former certificate-holder Darlene Pyeatt for priority in issuance of certificate. (Certificate #3586 expired June 7, 1991; the Program Director received a verbal request from Ms. Pyeatt on July 9, 1991, for priority consideration in obtaining a certificate.) Commissioner Genera moved that Ms. Pyeatt's request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Painting of spaces. Street Artist Virginia Burris requested that the location markings of all street artist spaces - especially those on Taylor Street - be re-painted. Program Director Lazar stated that he had sent a written request for this job to the Director of Public Works and would follow up on it.

Continued.....

C. New time for Program Committee meetings. Commissioner Genera asked that the meetings of the Street Artists Program Committee be moved from 4:00 p.m to 4:30 p.m. Commissioner Eichelbaum concurred.

D. Street Artist Umbrella and Logo Competition. Commissioner Eichelbaum stated that Mr. Alessandr Baccari of the Fisherman's Wharf Merchants Association had suggested that the street artists design a uniform umbrella for their displays; the Commissioner said this would lend itself to a more official status for the Program.

Street artist Virginia Burris expressed disapproval of the concept; she said that the present varied colors of the artists' umbrellas are the best at this time.

Commissioner Eichelbaum went on to say that the artists could purchase the umbrella in different colors, but the uniform logo or insignia could be made available to be sewn on or imprinted on the umbrella.

The Commissioners directed Mr. Lazar to place the item, "Umbrella and Logo Design Competition," on the next Program Committee agenda.

E. August Committee meeting. The Commissioners confirmed that their next Committee meeting would be held on Wednesday, August 14, 1991, at 4:30 p.m.

There being no further business, the meeting adjourned at 6:15 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

August 14, 1991
Arts Commission Meeting Room (Suite 70)
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:50 p.m.

I HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Enrique Mendoza - Certificate #4036. Mr. Mendoza was present. Commissioner Genera stated that, due to time and the lengthy agenda, he was requesting that the hearing be continued to the following month; Commissioner Eichelbaum was in agreement.

II REQUESTS BY APPLICANTS FOR PRIORITY SCREENING OF WARES

A. George Acaya - applied November 10, 1988; was sent notice on March 14, 1990 requesting his response as to whether he was still interested in obtaining a certificate; called the office on August 13, 1991 to request a certificate and stated that he never received the notice. Mr. Acaya told the Commissioners that when he had applied in 1988 he had been told that he would be waiting a long time for a certificate, that he later moved, and that he felt that the notice sent to him might have gotten lost in the mail. He added that, since he had already waited, he should not have to go back on the waiting list and wait for another seven months (as the Program office was now telling him). Commissioner Genera moved that Mr. Acaya's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Rosemarie Guilbert - applied February 7, 1990; was sent notice on August 8, 1990 requesting her response as to whether she was still interested in obtaining a certificate; Program Director Lazar reported that Ms. Guilbert called the office on July 16, 1991 and said she had never received the notice. Commissioner Genera moved that Ms. Guilbert's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Walter Cloud - Certificate #3819 expired July 24, 1991; Mr. Cloud submitted his request for priority to the office on

Continued.....

August 9, 1991, which stated that he had been out of town, due to family illness, at the time his certificate was to be renewed. Commissioner Genera moved that Mr. Cloud's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV REQUEST BY APPLICANT FOR WAIVER OF 10-DAY POLICY ON ISSUANCE OF CERTIFICATE; REQUEST FOR PRIORITY ISSUANCE OF CERTIFICATE

A. Dennis Wilbely - was screened and approved on January 10, 1991 to sell original oil paintings but did not obtain certificate within ten days; his request for priority issuance was received by the Program office on August 6, 1991. Program Director Lazar told the Commissioners that Mr. Wilbely had informed the office that he had not been able to afford the certificate during the allotted ten-day period and that he was now asking for a waiver of the policy so that he could now purchase the certificate. Commissioner Genera moved that Mr. Wilbely's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V PROPOSAL BY STREET ARTIST ENRIQUE MENDOZA FOR STREET ARTIST SPACES AT HARVEY MILK PLAZA (UPPER AND LOWER LEVELS) AND ON CASTRO STREET, EAST SIDE, AT 18TH STREET

Program Director Lazar, referring to the map and letter sent by Street Artist Enrique Mendoza proposing selling spaces at Harvey Milk Plaza (lower and upper levels) and on Castro Street, at 18th Street (fronting the Security Pacific building complex), reported that he had taken measurements of the proposed sites. He submitted his written findings and recommendations. Briefly, the Program Director's recommendations were as follows:

1) Harvey Milk Plaza (upper level): recommended that 3 of the proposed 7 street artist spaces be submitted to the Board of Supervisors for designation as permanent spaces, as these 3 spaces would be in the recessed areas of the pedestrian walkway adjacent to the planter area and would meet with the street artist regulations.

2) Harvey Milk Plaza (lower level): recommended that all 4 proposed street artist spaces, which had been designated by the Board of Supervisors as temporary spaces for the 1990 Christmas season, be submitted to the Board for designation as permanent spaces, and that they be exempted from the 12'-distance-from-doorway regulation (while these spaces would be in a plaza area away from the Municipal Railway station entrance, they would nevertheless fall in a perpendicular line within 12' of the outer edge of the entrance to the station).

Continued.....

3) Castro Street, east side, at 18th Street: recommended that the two proposed street artist spaces be not designated due to the narrow width of the sidewalk (11' 10") which would not allow for a street artist display without exempting it from the 10'-wide pedestrian walkway regulation and the 12'-distance-from-doorway regulation.

Mr. Mendoza told the Commissioners that the 4 proposed sites in the lower level of Harvey Milk Plaza, in which he had worked during the last Christmas season, were out of the way of the flow of pedestrian traffic in and out of the station.

Mr. Lazar stated that he had written to the following personnel whose businesses or organizations would be impacted by the proposed sites, inviting these people to attend today's meeting: Judy Rohl, Bank Manager, Security Pacific Bank, Castro Office; Peggy Mouldin, Bank Manager, Bank of America, Castro-Market Branch; Officer Dennis Tomason, San Francisco Police Department, Mission Station; David Sahagun, President, Merchants of Upper Market Street; Paul Kantus, East/West of Castro Improvement Club; Fred Methner, East/West of Castro Improvement Club; and Stephen Cornell, Council of District Merchants. Mr. Lazar noted that none of these people nor any representative of their groups appeared at the meeting, and that the Program had not received word (in writing or over the telephone) from any of these people or their representatives. Mr. Lazar said that he would write to the Municipal Railway, and that it would be adviseable to consider input from Muni on the proposed Harvey Milk Plaza spaces before the proposal is submitted to the full Arts Commission and the Board of Supervisors.

Mr. Mendoza stated that he had gathered 160 signatures in support of his proposal, but if the Committee wished to continue its hearing on the matter, he would also speak to all the merchants in the area and would request their support. He added that Officer Dennison Tomason was in favor of the spaces being designated so that he could direct all illegal vendors who currently sell in the areas to obtain permits from the Arts Commission.

Commissioner Genera asked Mr. Mendoza to approach the merchants in order to obtain their full support. The Commissioner stated that the matter would be continued to the next meeting of the Program Committee (September 11th).

VI HEARING ON PROPOSALS FOR CELEBRATION OF THE 20TH ANNIVERSARY OF THE STREET ARTISTS PROGRAM

A. Street artist exhibit at San Francisco International Airport. Program Director Lazar introduced Ms. Louise Jordan to the Committee and thanked her for her request to Elsa Cameron, Director of the Airport's Bureau of Exhibitions, to contact Arts Commission President Barbara Sklar on the possibility of an Airport exhibit celebrating the Street Artists

Continued.....

Program's twentieth anniversary.

Ms. Jordan told the Commissioners that the idea had come up in a conversation she had with President Sklar, and that Ms. Cameron had written to President Sklar expressing interest in having a photo exhibit of the street artists.

Mr. Lazar stated that, according to the Airport's guidelines, the Airport has no funds to produce the exhibit. The Street Artists Program, therefore, would have to pay for the costs of photography. He also reported that Ms. Cameron had told him that it could be either an exhibit on past and present street artists or on the process involved in obtaining a street artist certificate and obtaining selling spaces through the lottery; or it could be comprised of photos of the arts and crafts objects themselves. In addition, there would be a large map showing the street artist locations - this would be the primary focus, as 8,000 visitors a day pass through the area of the exhibit.

Commissioner Eichelbaum asked if there could be street artists selling at the Airport. Mr. Lazar responded that Ms. Cameron had told him that such a request did not fall under her responsibility but would have to be referred to Mr. Peter Nardoza, Deputy Director of Business and Finance. Commissioner Eichelbaum said that there could be strong opposition to this from the vendors who pay to sell at the Airport. Mr. Lazar stated that it was his understanding that the Airport received a percentage of the sales made by their vendors.

Commissioner Genera favored the idea of combining a map of street artist locations with a photo exhibit of what it takes to be a street artist as well as pictures of the artists' wares themselves.

Mr. Lazar said such an exhibit would give the public three messages: (1) this is a municipally run program involving a screening procedure; (2) this is the twentieth anniversary of the program; and (3) these are some of the products you will being sold by the artists on the streets.

Street Art Inspector Barbara Noakes suggested that some artists be approached for the use of photographs they already have of their work.

Street artist Denise Ward said many artists already have fine quality slides of their work which could be converted economically into black and white prints. Mr. Lazar stated that for this, as well as for color prints, the City Hall Reproduction Bureau could probably do the job economically; he would check on the prices.

Inspector Noakes suggested that the map of the locations have inset pictures of the artists and the locations similar in style to the inset page of a travel brochure - this would serve as an effective "ad," in conjunction with the anniversary year, telling people where

Continued.....

the artists and their products are as well as conveying a sense of the products themselves.

Ms. Jordan presented a list of corporate galleries in San Francisco who might be interested in a street artist exhibit. Ms. Jordan said that these galleries have their own budgets for such exhibits.

Inspector Noakes stated that it was possible that some public relations elements of one exhibit could be used in other exhibits, spreading the cost and saving money, throughout the year.

Mr. Lazar said he would have further information on the progress of the Airport exhibit proposal, for the next Program Committee meeting.

B. Umbrella and Program logo design competition. Program Director Lazar stated that several years ago some street artists and he met with Mr. Alessandro Baccari, Executive Director of the Fisherman's Wharf Merchants Association, in Mr. Baccari's office on an issue of artists' spaces, and in the course of the discussion Mr. Baccari put forth an idea of the Street Artists Program having its own logo displayed with the logos of the Arts Commission and the City and County on either every artist's display or on a uniform umbrella over the display. Mr. Baccari had referred to similar displays of logo on artists' umbrellas or booths throughout Europe. The purpose of a logo for the Street Artists Program would be for the public to discern a municipally sponsored group of artists from regular vendors (legal or illegal) and from charitable solicitor vendors.

Mr. Baccari told the Commissioners that he felt very strongly about such a concept, and that the Arts Commission, in its jurisdiction over the Street Artists Program, should showcase the artistry of the street artists, "the majority of whom truly intend to show their crafts." By showcasing the artists under umbrellas, he said, the City would be showing an endorsement of the artists. "By creating identification so that it has in itself something that is neat, dramatic, something to see ... that the tourists or residents ... will identify: 'That is a San Francisco-authorized street artist - something I have no fear to deal with, something I can feel good about,' and I think if you can do that, then the romance starts forward, and the new imagery takes place. ... If you dramatize it in posters, then the City can sell it through the Convention Bureau, the Chamber of Commerce, that these are craftsmen at work. We've yet to see this."

Mr. Baccari went on to propose that crafts demonstration events be sponsored, whereby craftspeople show how they make their work. He stressed that if the artists' creativity is "dramatized," their image will change. What would also change, he said, is the attitude of merchants "who know they have to compete with them." The Arts Commission, he said, has neglected to promote the image of its street artists. "You invest in a lot of things ... You can invest in these

Continued.....

people" through money for umbrellas or to create a logo. "... It would change the whole atmosphere for them. And then everyone will begin to rally around them. The doors would be open for them."

Mr. Baccari informed the Commissioners that on Saturday he witnessed six illegitimate vendors selling watches and other merchandise. He asked them for their permits; they had none. The average person, he said, does not know the difference between street artists and these other vendors. "On the twentieth anniversary, this is the ideal time, and a wonderful time, to dramatize." In reference to the proposed exhibit at the Airport, he recommended that the Commission arrange for a public crafts demonstration by street artists. Also, some of the street artist photographers could photograph such works in progress for their use in posters; Polaroid transparencies could look like a painting. The new image would, he said, help him as he represented associations who would then look at street artists differently. "There should be a commitment on the part of this committee to take back to the full Arts Commission and say 'We have a chance to do something very beautiful, very dramatic.' And I for one would serve on any citizens committee that this committee wants to organize to really get people to rally around it for you." He suggested competitions in craft and awards to encourage the artists. If the Program Committee did nothing else for them, he said, the Committee should create an identity for the artists.

Commissioner Eichelbaum stated that he had suggested having a competition to create a logo, as well as an investigation into the least costly umbrellas for the artists to buy.

Mr. Baccari further suggested that there be a label (with street artist and Arts Commission logos and the words "20th anniversary" on it) on the artists' merchandise. He went on to describe the purposes of a proposed committee: (1) to look at the twentieth anniversary of the Program; (2) to upgrade the image of the street artists (the main priority); (3) to promote contests to better "visualize" the Program; (4) to present a comprehensive plan which creates an image for the street artists "that is similar to the identity seen of artists in European and Asian countries where they are looked upon with great respect and affection" - this could be done by giving the artists a logo stamp and umbrella which, in turn, would make their selling zones look different; and (5) to encourage the artists to form a public relations entertainment center, as is done in Europe and Mexico, where they would put on free public demonstrations of the making of their crafts.

Street artist Denise Ward stated that some artists would be very enthusiastic about this, and that, with respect to artists having a "unifying look," the artists are particular about their "look," and she favored a uniform flag, rather than an umbrella: the flag would be very inexpensive, would signify unity in the program, and

Continued.....

would still allow each artist to retain the individual look of their booth.

Mr. Baccari recommended that a comprehensive plan for next year's celebration activities be completed by the first week of November, 1991. He also recommended that, with respect to an Airport exhibit, 4' x 8' murals be exhibited to achieve a solid wall of creativity: artists and their crafts in action.

Commissioner Genera said that he agreed with Mr. Baccari on two major points: (1) the Commission and the artists should concentrate on the twentieth anniversary of the Program, and (2) the Commission and the artists should concentrate on upgrading the image of the artists. He emphasized that, at this point in time, the anniversary plans should have priority in order to show the artists that the Commission is trying to do beneficial things for them "and not just expecting them to change."

Mr. Baccari stated that he favored as a priority the upgrading of the image because, if there was an upgrading, merchants would not be negative toward the artists' use of spaces.

Commissioner Eichelbaum stated that it should be the Advisory Committee of Street Artists and Craftsmen Examiners to be the initiator of the comprehensive plan for next year's celebration activities; while the Advisory Committee could be assisted by other people, the number of participants on the plan should, for the sake of getting the job done, be kept at a minimum.

Advisory Committee Chairman Mathew Porkola submitted a preliminary written proposal for next year's events. In addition, Mr. Lazar submitted a preliminary outline of plans he had received from Advisory Committee members Wendy McPhee and Josie Grant.

C. Street Artist group show in Arts Commission gallery. Program Director Lazar reported that he had spoken with the Arts Commission Gellery's director in reference to a suggestion made by the Advisory Committee of Street Artists and Craftsmen Examiners that, as part of the Program's twentieth anniversary, there be a street artist exhibit in the gallery. The gallery director had told Mr. Lazar that such an exhibit might conflict with the Commission's stated purposes of the gallery - namely, (1) that the gallery "is a not-for-profit exhibition space," and (2) "exhibits include artists who have difficulty finding other venues for their work."

Advisory Committee Chairman Mathew Porkola stated that this was why he emphasized in his letter-proposal that the street artists be permitted to show in the gallery only work that they cannot show on the street.

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Whether or not the gallery may be used for such an exhibit, Mr. Lazar reported that he had heard of opportunities to exhibit on the ground floor (Van Ness Avenue entry area) of City Hall, and that he had left a message for the City Hall exhibits coordinator to call him.

RECOMMENDATION

Commissioner Eichelbaum moved that the Advisory Committee of Street Artists and Craftsmen Examiners be authorized to develop plans for the celebration of the twentieth anniversary of the Street Artists Program, with emphasis on the promotion of the image of the Street Artists Program; the motion was seconded by Commissioner Genera and unanimously approved.

It was clarified that the Advisory Committee would hold special meetings or hearings to receive from street artists, merchants, and the public, proposals for the celebration and, once having developed plans, would submit their plans to the Program Committee.

There being no new business, the meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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City and County
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155 Grove Street
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STREET ARTISTS PROGRAM COMMITTEE

September 11, 1991
Arts Commission Meeting Room - Suite 70
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Genera, Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I POLICY PROPOSAL FROM PROGRAM DIRECTOR: TIME LIMIT ON ISSUANCE OF CERTIFICATE TO A FORMER CERTIFICATE-HOLDER

Program Director Lazar asked the Commissioners to recommend the adoption of the following policy which would be in keeping with the present policy of a time limit on issuance of a certificate for an applicant:

> "A former certificate-holder whose request for priority above the waiting list of applicants in the issuance of a certificate is approved by the Arts Commission must purchase a certificate within ten (10) office work days from the date of the Arts Commission's approval or, if a re-examination of the artist's wares is scheduled, within ten (10) office work days from the date of re-examination of the artist's wares by the Advisory Committee of Street Artists and Craftsmen Examiners."

Commissioner Genera moved that the above proposed policy be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II PROPOSAL BY STREET ARTIST ENRIQUE MENDOZA FOR STREET ARTIST SPACES AT HARVEY MILK PLAZA (UPPER AND LOWER LEVELS) AND ON CASTRO STREET, EAST SIDE, AT 18TH STREET

Commissioner Genera stated that this item would be continued to the following month's meeting because street artist Enrique Mendoza was not able to be present due to work commitments.

III REQUEST BY APPLICANT FOR PRIORITY SCREENING OF WARES

A. Anna Otarola Rubio - did not appear at scheduled 8/29/91 Advisory Committee screening; her request for priority screening was received by the Program on 9/3/91. It was noted, from her letter, that Ms. Rubio had been unable to keep her appointment

Continued.....

due to a health problem. Commissioner Genera moved that Ms. Rubio's request for priority screening of wares be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Enrique Mendoza - Certificate #4036. Alleged violations: (1) selling in areas not designated by the Board of Supervisors; (2) improper conduct of business/obstruction of duty of Art Inspector. Mr. Mendoza was not present. Commissioner Genera stated that he had spoken with Mr. Mendoza, that Mr. Mendoza had admitted to having sold his wares in a non-designated area, and that the Commissioner told him he was going to recommend that Mr. Mendoza be found in violation for selling in a non-designated area and that he be given a warning that any future violation of this nature would result in a penalty.

Art Inspector Noakes stated that she had observed Mr. Mendoza in two non-designated areas and that he had caused a serious disturbance.

Program Director Lazar noted that Mr. Mendoza's alleged violations were similar to those of street artists Horatio Tubio and Marc Cassius: they had occurred during the same time of year (last Christmas season), and the Arts Commission had found them each in violation and had suspended the penalty and given each a warning.

Commissioner Genera moved that Mr. Mendoza be found in violation of the street artist ordinance by selling in an area not designated by the Board of Supervisors, that a penalty be suspended and a warning be given to Mr. Mendoza that any future violation of selling in an area not designated by the Board of Supervisors would result in a penalty; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V REPORT BY STAFF ON DEVELOPMENT OF PLANS FOR 20TH ANNIVERSARY OF STREET ARTISTS PROGRAM

Program Director Lazar stated that he had assigned much of the research duties for the anniversary project to the Program's Junior Management Assistant, the Art Inspector. He asked Inspector Noakes to report on the developments.

Inspector Noakes told the Commissioners that she had been working on research to give first to the Advisory Committee of Street Artists and Craftsmen Examiners (whom the Arts Commission had assigned to draft and deliver to the Program Committee a comprehensive report on next year's plans by November, 1991). Some of the items to be submitted to the Advisory Committee will be the following: (1) the costs involved in designing a Program logo and imprinting the logo on flags, umbrellas, and other material; (2) the costs of posters

Continued.....

and flyers to be given to the public, making the street artists' identity visible; (3) information on corporate galleries who would be interested in offering street artist exhibits in the years following the Program's anniversary; (4) further details on the photo exhibit of the Program at the airport's North Terminal's Gate 62, which will run from March through August, 1992 (the main tourist season) during which it is estimated that 8,000 people per day pass through the terminal of which 12% stop and view the wall exhibits - over the scheduled five-month period, therefore, it could be expected that 120,000 people would actually be looking at the street artist display. Ms. Noakes went on to say that the airport was offering to do graphics for the exhibit, that there would be fifteen display frames on an extensive wall which would also accommodate a large map of the city's street artist locations, and that any of several potential story-lines could be chosen as most suitable for the site: an attempt will be made to tell the story of the Arts Commission as the sponsor over the last twenty years of a program which has emerged as a good investment for City government, and to also tell a story about the originality of the art work which is screened, before it is licensed, by an Arts Commission committee. One street artist photographer, she said, has volunteered to do some photography of the street art itself which would add to photos about the screening and licensing procedures.

In response to a question by Commissioner Genera, Ms. Noakes said there would not be room in the airport show to display street artist wares, due to security reasons.

Street artist Laurie Price told the Commissioners that this was a "big opportunity ... for the city ... to go all out. ... We're going to need your help, and we're going to put some energy into this ourselves." She said the Program should be "really showcased" at the airport, that the Program should work with the airport's curators in putting on an enthusiastic show. She called for services to be donated from various sources - writers, graphic artists, poster disseminators.

Program Director Lazar welcomed Ms. Price's support and said that once staff did their part in researching the costs and presenting these to the Advisory Committee, Ms. Price and others would be especially welcomed to work with staff and Committee in finding sources to cover the costs.

Commissioner Eichelbaum said that the Program should prepare its budget of costs for these events and, if necessary, apply for a grant. He estimated that the costs could amount to $5,000. He added that the display at the airport should be "smashing."

Ms. Noakes went on to report that Mr. Lazar had asked her to prepare

Continued.....

two budget packages for the anniversary activities - an optimum budget and a moderate budget - for delivery to the Advisory Committee and the Program Committee. Other plans, she said, may involve making a videotape of street artist demonstrations of crafts (as per the idea of live demonstrations as suggested by Mr. Baccari at the last Program Committee meeting); a logo design easily transferred onto clothing, umbrellas, or flags; and regular institutional public relations which would not increase the Program's budget.

VI REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Barbara Lacey - Certificate #4025 expired 8/21/91; Ms. Lacey's request for priority was received by the Program on 9/3/91. Ms. Lacey was not present. (The Program Director had written and spoken to Ms. Lacey, requesting that she appear in order to answer questions from the Commissioners, relative to a complaint the Program had received alleging that Ms. Lacey had conducted business in a disorderly, hazardous, and improper manner.)

The Commissioners received testimony from portrait artist Brian Hopper regarding an alleged incident of August 30, 1991 in which Ms. Lacey had allegedly acted in a disorderly and improper manner. The Commissioners received a petition signed by six portrait artists requesting that Ms. Lacey's street artist license be terminated and charging that Ms. Lacey was disruptive of other artists' business. Mr. Hopper testified that this disruptive behavior has occurred in recent years, whereas he said that Ms. Lacey orignally acted in a stable manner.

Commissioner Genera moved that Ms. Lacey's request for priority issuance of certificate be disapproved due to the complaints and petition received from other street artists against Ms. Lacey and due to the fact that Ms. Lacey did not attend the hearing; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera stated that if Ms. Lacey contested the recommendation, an investigation would be conducted on the reasons for the complaints received against Ms. Lacey.

There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

October 9, 1991
Arts Commission Meeting Room
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Members present: Commissioner Daniel Genera
Commissioner Stanley Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I HEARING ON REQUEST FROM PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF TEMPORARY SELLING SPACES IN DOWNTOWN AREA FOR CHRISTMAS SEASON, 1991; PROPOSED PERIOD OF DESIGNATION: NOVEMBER 15, 1991 - JANUARY 15, 1992

The Chairman asked Program Director Howard Lazar to present his request for this year's Christmas spaces. Mr. Lazar made the following points:

1) This year will be the ninth consecutive year that the Arts Commission will be submitting a request-package of temporary (additional) selling spaces, on behalf of the street artists, to the Board of Supervisors. For the past eight years, the Board of Supervisors has approved each of the requests submitted by the Commission.

2) For this year the Program Director was proposing that the temporary spaces be designated for the same extended period of time as had been approved by the Board of Supervisors for last year: November 15th - January 15th.

3) The Program Director was also proposing that the Board of Supervisors be requested to designate the same spaces as had been designated last year, with the exception of the following eight spaces:

Spaces

1 - Post Street, north side, Grant to Stockton (adjacent to Gump's and the former Elizabeth Arden store)

2 - Post Street, north side, Powell to Stockton Streets (adjacent to new Tiffany store entrance, formerly Qantas entrance)

1 - California Street, north side, Sansome to Montgomery

Continued.....

4 - Harvey Milk Plaza (lower level).

In reference to these, Mr. Lazar explained that the one space on Post Street, adjacent to Gump's/Elizabeth Arden, was lost due to the placement of a tree on the space, as well as the placement of newly constructed doorways in Gump's and in the former Elizabeth Arden building, making it impossible to place an adjacent street artist space in conformance to the twelve-foot distance-from-doorway regulation. (Mr. Lazar submitted a letter from Gump's Group Vice President Charles Dishman requesting that no street artist spaces be located near his store, as traffic was anticipated to be very heavy due to Gump's "Christmas Shop" and also the store's featuring of the SPCA Dog and Cat Adoption Program in its windows this year.)

Similarly, the location of the newly constructed entrances of the Tiffany store (formerly the Qantas entrance) would not make it possible to place the previous two adjacent spaces, as the distance-from-doorway regulation would not be met. In previous years, these spaces had been designated by the Supervisors' exempting them from the regulation because the Qantas doorways were recessed considerably from the sidewalk thoroughfare; now, however, the Tiffany reconstruction brought the doors out to the property line, and this would make a request for an exemption from the regulation highly questionable.

With regard to the deletion of one space on California Street, the Program Director stated that this space, while approved last year, was not put in use because the Department of Public Works representative had felt it would be too close to a sidewalk elevator door and had refused to mark the space.

With regard to the deletion of four spaces at Harvey Milk Plaza, the City Attorney's office was presently investigating the question (submitted by Municipal Railway) of whether it is legal to have street artist spaces adjacent to or within a Muni station and/or whether the Board of Supervisors has the authority to designate street artist spaces on property belonging to the Public Utilities Commission.

Of these eight deleted spaces, three are considered prime selling locations: the two by Tiffany (formerly Qantas) and the one by Gump's/Elizabeth Arden.

4) Despite the deletion of eight spaces from last year's package, and despite three of these being prime locations, the package for submittal to the Board of Supervisors would retain twenty-eight prime spaces, as follows:

Spaces

8 - Market Street (adjacent to San Francisco Shopping centre/ Nordstrom)

Continued.....

6 - Stockton Street, Post to Sutter (5 adjacent to the Grand Hyatt Hotel and 1 across the street)

6 - Stockton Street, O'Farrell to Geary (adjacent to Neiman Marcus and Macy's)

5 - Market Street, Montgomery to Kearny (across from BART Plaza)

3 - Stockton Street, Market to O'Farrell (adjacent to F. A. O. Schwartz).

5) The twenty-eight prime spaces are part of a total package of seventy-one temporary (additional) Christmas spaces to be submitted to the Board of Supervisors.

Mr. Edward Lawson, Executive Director of the Union Square Association, told the Commissioners that his group concurred with the Program Director's recommendation to not request spaces adjacent to the Tiffany entrance, and that the location had not been used by the artists during the previous Christmas season due to the construction barricade in front of the building. With respect to the previous location adjacent to Gump's, Mr. Lawson stated that Gump's was expanding into the Elizabeth Arden building, and that the store was asking that the street artist space not be used. Mr. Lawson stated also that the management of Campton Place Hotel did not want to see re-designated the space adjacent to the hotel, as this would encroach upon their loading operation.

Mr. Michael Moser, General Manager of Tiffany Company, asked that spaces not be re-designated adjacent to his building due to the following reasons: (a) ten feet of pedestrian walkway had been eliminated by the expansion of the building's entrance; (b) with the opening of the store, "phenomenal traffic" was expected as well as increased traffic for Qantas who would now be on the 4th floor; and (c) the sidewalk elevator would make placement of spaces hazardous.

Commissioner Eichelbaum stated that he was not in favor of deleting from the request the space near Campton Place Hotel, in consideration of the fact that eight prime spaces were already being deleted.

Commissioner Genera moved that the Program Director's recommendations and request be approved, and that the request be submitted to the Board of Supervisors for designation of temporary selling spaces in the Downtown area for Christmas season, 1991, beginning on November 15, 1991, and ending on January 15, 1992; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II HEARING ON REQUEST FROM PROGRAM DIRECTOR FOR ARTS COMMISSION TO REQUEST AMENDING LANGUAGE TO SEPTEMBER, 1991 FISHERMAN'S WHARF AREA/NORTHEASTERN WATERFRONT PLAN, TO REMOVE EXISTING TOUR BUS PASSENGER ZONE ON HYDE STREET (BEACH TO JEFFERSON STREETS) AND TO RELOCATE ZONE TO POLK STREET (SOUTH OF BEACH STREET)

Continued.....

Program Director Lazar reported that he had attended a recent meeting of the Fisherman's Wharf Citizens Advisory Committee and, at the request of street artists, had asked that language be amended in the September, 1991 draft of the Fisherman's Wharf Area/Northeastern Waterfront Plan (Department of City Planning) to reflect that a tour bus passenger island adjacent to the Haslett Warehouse (Hyde Street) be not proposed, and that the tour buses presently alongside and blocking the view of the artists' spaces on Hyde Street (Beach to Jefferson Streets) be relocated to Polk Street south of Beach Street (as currently offered as an alternative in the draft plan). This request had met with some opposition, and the Chairman of the Citizens Advisory Committee, Mr. Peter Brown, had advised that the Arts Commission send a letter stating the request, and the matter would be calendared for discussion. The subject language for amendment occurred on page 39 of the draft, as follows: "Additional space can be provided for loading and unloading of tourists visiting Fisherman's Wharf by tour bus and tour van by: ... Designating tour bus passenger zones for western Fisherman's Wharf on Hyde Street with a passenger island adjacent to the Haslett Warehouse and/or on Polk Street south of Beach Street." Hours for the tour bus parking on Hyde Street were established (by Board of Supervisors resolution) as 10 a.m. to 4 p.m. every day.

Commissioner Genera moved that the Arts Commission's Director of Cultural Affairs be authorized to write to the Chairman of the Fisherman's Wharf Citizens Advisory Committee, requesting that the language on page 39 of the September, 1991 draft of the Fisherman's Wharf Area/Northeastern Waterfront Plan (Department of City Planning) in reference to tour bus zones be amended to reflect that the present tour bus parking area on Hyde Street (Beach to Jefferson Streets) be rescinded and relocated to Polk Street south of Beach Street, and that the proposal for a passenger island on Hyde Street, adjacent to the Haslett Warehouse, be deleted; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY APPLICANTS FOR PRIORITY IN SCREENING OF WARES/CERTIFICATION

A. Konstantin Gortinsky - Mr. Gortinsky's request was received by the Program on September 11, 1991. Program Director Lazar reported that Mr. Gortinsky, a former certificate-holder whose certificate had expired on January 12, 1983, had called the Program office, requesting to know the status of his application for a certificate, and the office found no record of his having applied. Mr. Gortinsky now submitted to the Commissioners a written receipt for his application, signed by the Street Artists Program clerk on July 20, 1989, and stated that he had just found the receipt that morning. Commissioner Eichelbaum moved that Mr. Gortinsky's request for priority screening and certification be approved; the motion was seconded by Commissioner Genera and unanimously approved. The Commissioners directed the staff to notify Mr. Gortinsky for the next scheduled screening (October 31st).

Continued.....

B. Sophia Kettle - applied February 7, 1989 and cancelled her scheduled screenings for June 28, August 9, and September 13, 1990; Ms. Kettle's request for priority was received by the Program on September 18, 1991. Commissioner Genera moved that Ms. Kettle's request for priority screening and certification be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. Ross Woods, Laisa Woods, David Schrader - applied January 11, 1988 and cancelled their scheduled screenings for March 26 and April 26, 1990; their request for priority was received by the Program on September 20, 1991. Commissioner Genera moved that the request by Ross Woods, Laisa Woods, and David Schrader for priority screening and certification be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

D. Bridget Lavin - applied April 9, 1991 and did not appear at her scheduled screening of September 26, 1991; her request for priority was received October 9, 1991. Commissioner Genera moved that Ms. Lavin's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

There being no new business, the meeting was adjourned at 5:35 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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City and County of San Francisco

THE ARTS COMMISSION OF SAN FRANCISCO

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Neighborhood Arts
POPS Symphony Concerts
Public Art Program
Street Artists Licenses

Suite 430
State-Local Partnership
115-554-9677
ArtHouse
115-554-9679

Arts Commission Gallery
155 Grove Street
115-554-9682

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, November 13, 1991
Arts Commission Meeting Room
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Marie-Noelle Le Pennec-Cash - request for postponement to January, 1992. Commissioner Genera moved that the request for postponement be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST BY APPLICANT FOR PRIORITY SCREENING/ISSUANCE OF CERTIFICATE

A. Frank Foster - applied August 4, 1989; did not appear at scheduled screenings of November 8, 1990, and February 14, 1991; request for priority screening was received by Program on October 28, 1991. Commissioner Genera moved that the request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Mark Wolfe - applied November 29, 1990; did not appear at scheduled screening of February 19, 1991; request for priority screening was received by Program on November 12, 1991. Commissioner Genera moved that the request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. John Hulton - applied June 16, 1989, moved his residence and did not receive his notification of screening; request for priority was received by Program on November 6, 1991. Commissioner Genera moved that the request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. John Richardson - Certificate # 3575 expired July 27, 1991; his request for priority was received by Program on November 5, 1991. Commissioner Genera moved that the request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Hubert Ortis - Certificate # 4932 expired September 11, 1991;

Continued.....

his request for priority was received by the Program on November 12, 1991. Commissioner Genera moved that the request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV STAFF REPORT ON PLANS FOR 20TH ANNIVERSARY OF STREET ARTISTS PROGRAM

Program Director Lazar requested Art Inspector Barbara Noakes to give a report on her research of costs relative to various plans for next year's anniversary. The Commissioners heard the report which included the following: (a) costs of umbrellas and pennants bearing the Commission's logo; (b) the cost ($300) of, and nature of, the wall map for the airport exhibition of the Program; (c) printing costs of fliers announcing the anniversary and celebration; (d) costs of fifteen large photo-prints and accompanying text for the airport exhibit; (e) the approximate total cost of the airport exhibit for the Program, $500 ($300 for wall map and $200 - $250 for fifteen photoprints); the airport to cover the costs of additional design work, preparation of the exhibit, materials, installation, and insurance; and (f) the cost of fliers to be handed out by the street artists to their customers ($344 - $688).

Inspector Noakes went on to say that the airport exhibit was planned for the North Terminal Cultural Gallery wall which is exposed to 8,000 travelers a day or to 960,000 travelers for the four-month display period. In addition, the fifteen color photo-prints would be approximately 20" x 24" each in airport security frames, with substantial texts adjacent to the photos. There will also be a large title with dates and Arts Commission logo identifying twenty years of municipal sponsorship of the Street Artists Program. The wall map will specify the major locations of the street artists.

Commissioner Eichelbaum suggested that the staff approach various restaurants who have umbrellas and find out their costs and outlets.

Commissioner Genera asked Program Director Lazar to schedule a meeting of the Street Artists Program Committee and the Civic Design Committee to discuss the design an usage of umbrellas for the street artists.

V NEW BUSINESS

Commissioner Genera reported that he went back to the Harvest Festival for a second time to see the special street artist selling area and the Festival itself, and that the Festival was "jammed" with people. Program Director Lazar reported that he had heard a radio commentator complimenting the Festival and especially the crafts of the street artists and the design of their selling area. The Commissioners noted that the present month was a fulfilled one: ten street artists had received awards from the Harvest Festival for the quality of their work; the Mayor had given the Commission a certificate proclaiming Street Artists Day in San Francisco (November 1, 1991); and plans were underway for a major exhibit of the Program at the airport.

The meeting adjourned at 5:35 p.m.

Respectfully submitted:
Howard Lazar
Director, Street Artists Prog

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STREET ARTISTS PROGRAM COMMITTEE

January 8, 1992
Arts Commission Conference Room
25 Van Ness Avenue
San Francisco, California

M I N U T E S

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Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:40 p.m.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Fernando Hechavarria - Certificate # 3045. Alleged violations: (1) display of items not of the artist's own creation; (2) assault; (3) attempted assault; (4) obstruction of duty of Arts Commission staffperson; (5) improper conduct of business.

Mr. Hechavarria was present. The Chairman asked Program Director Lazar to present the case. Mr. Lazar stated that, as background information to the present charges, the Arts Commission in 1987 suspended Mr. Hechavarria's certificate for two months after finding that he had sold items not of his own creation; according to the Commission's standard penalties, if a street artist is found in violation for selling items not of his own creation (within three years after the first violation), the artist's certificate may be subject to revocation. Also in 1987, in its consideration of a charge against Mr. Hechavarria of attempted assault, the Commission refrained from revoking his certificate and warned him, verbally and in writing, "that any future act of physical violence initiated by Mr. Hechavarria (with the exception of his self-defense against physical attack) would be considered as cause for revocation."

In reference to the current charges against Mr. Hechavarria, Mr. Lazar submitted as evidence the following: (1) photographs taken by Street Art Inspector Barbara Noakes on November 22, 24, 25 and 27, 1991, showing jewelry items which Mr. Hechavarria allegedly did not make; (2) a letter, received by the Program on September 25, 1991, from Ken Hassinan, employee of Kuchina Gallery at The Cannery, describing his allegedly being assaulted by Mr. Hechavarria on July 13, 1991 (Mr. Lazar stated that yesterday he spoke with Mr. Hassinan who told him he was studying for teaching examinations and would be unable to come to the hearing); (3) and (4) a letter and tape-recorded testimony on December 10, 1991 of Sandra Prater who allegedly stopped Mr. Hechavarria's alleged attempted assault of Inspector Noakes on December 7, 1991 (Mr.

Continued.....

Lazar stated that this afternoon Ms. Prater telephoned the office and said that her father had passed away and that she would be unable to attend the hearing); in addition, there was a copy of the Police Incident Report of the alleged incident written by Officer James Custer who was present, as well as the report written by Inspector Noakes who was also present and would testify as to Mr. Hechavarria's alleged obstruction of the Inspector's duty and his alleged attempt to assault her; (5) a September 18, 1991 letter from street artist Paul Smith (who was not present) stating that Mr. Hechavarria had been intoxicated and had verbally abused him on September 17, 1991, supporting the Program's charge against Mr. Hechavarria of improper conduct of business.

Mr. Lazar emphasized that two of the charges merited consideration of revocation: the charge of selling items not of the artist's own creation, and the charge of attempted assault on a staffperson, constituting an "act of violence" for which the Arts Commission had warned Mr. Hechavarria in 1987.

Commissioner Genera questioned Mr. Hechavarria on each of the charges. Mr. Hechavarria responded that (1) everything on his display table he makes; (2) he did not hit the shop employee; (3) the Art Inspector bothered him "too much," she does not "like dark people" and told him that he did not belong on Stockton Street but belonged in the Mission District; and (4) he did not verbally abuse artist Paul Smith.

In reference to the first charge, Mr. Lazar pointed out in the photos earrings and metal neck collars which, he said, were the same items for which the Arts Commission had found Mr. Hechavarria in violation in 1987. Inspector Noakes pointed to the photos of rings on Mr. Hechavarria's table which, she said,were similar to samples of wholesale rings submitted to the office by another artist. In addition, the Inspector testified that that the oval turquoise rings on Mr. Hechavarria's display (as pictured in two photos) were stamped on their inside with the words "made in Mexico." This was supported by street artist Merlin Willis who told the Committee that he had seen on Mr. Hechavarria's display a ring that was stamped "made in Mexico."

In reference to the second charge (assault of shop employee), Mr. Lazar stated that the assault incident was recorded in Inspector Noakes' interview of July 31, 1991 with Mr. Hassinan and was also described in Mr. Hassinan's September 25, 1991 letter: " ...'Fernando ... kept running in circles as if out of control ... Then he punched me in the jaw. ... A couple of days later my boss went & spoke to him and Fernando came in and apologized & said he'd been drinking. ...' " Mr. Lazar maintained that the letter refuted Mr. Hechavarria's statement to the Committee that he did not hit Mr. Hassinan, and that the letter also supported the Program's charge of improper conduct

Continued.....

of business (intoxication) by stating that Mr. Hechavarria, in his apology, admitted to having been drinking.

In reference to the third and fourth charges (attempted assault, obstruction of duty), Mr. Lazar stated that Officer James Custer, who filled out a report made by Inspector Noakes on the alleged incident, talked to Mr. Hechavarria who told him, " 'Nothing happened.' ... I asked Hechavarria for some identification and he produced a California I.D. At this point Hechavarria fell to the ground & went into seizures ..." Mr. Lazar pointed out that in Mr. Hechavarria's 1987 hearing with the Arts Commission, Mr. Hechavarria's attorney had defended her client's alleged attempted assault on another artist by saying that it had been due to her client's epileptic condition which he had gone into prior to exhibiting aggressive behavior. In the recent alleged incident, however, what was crucial was that the Commissioners realize that Mr. Hechavarria did not go into a seizure prior to chasing the Art Inspector and grabbing her (according to the taped testimony of Sandra Prater); the seizure happened some time after the incident and in front of the Police officer who was talking to him.

In reference to the fifth charge (improper conduct of business; verbally abusing a street artist), it was ascertained that street artist Paul Smith, who had written the complaint, was not present; accordingly, Mr. Lazar stated that he wished to withdraw the charge due to a lack of preponderance of evidence.

Officer James Custer testified that he was the officer who filled out the December 7, 1991 report on the alleged attempted assault of the Art Inspector, and that a year before, on December 8, 1990, he cited Mr. Hechavarria for drinking brandy while selling merchandise. He added that "every time I dealt with him, he went into seizures, and prior to going into seizures he has a very explosive temper, uncontrollable temper, that can turn into violence, the way I see it." Officer Custer explained that the last time he cited him, Mr. Hechavarria refused to sign his citation, whereupon Officer Custer told him that if he didn't sign it, he would go to jail. At that point, he signed it, "then exploded and started yelling something and started to have his seizure."

Street artist John Bass testified that he witnessed the December 8, 1990 incident described by Officer Custer and "it was as he described." Mr. Bass further stated that earlier that day he was set up next to Mr. Hechavarria, and Mr. Hechavarria "threatened a street artist physically with violence" by coming up to her with an iron mandril in his hand, "threatening to do something to her," and Bass stopped him by coming between them. Mr. Bass also described the incident of 1986 in which Mr. Hechavarria was stopped by Art Inspector Brown from striking Bass with a heavy-link chain - the incident which led to the hearings and decision of the Arts Commission in 1987. Mr. Bass asked the Commissioners to consider the present charges

Continued.....

seriously because "we need enforcement, we need regulation for this Program to exist. ... If this kind of behavior described here defines ... the public image of our Program, then our Program is not going to last very much longer. ... It's not just the erratic actions of the individual. It's something that threatens the livelihood of every other street artist. ... Assaults on a frail, middle-aged woman should in themselves be grounds enough for the most serious kind of penalty."

Commissioner Genera stated that he felt that anything that threatens or damages the image of the Street Artists Program as a whole should be dealt with. He went on to say that, in many hearings, his Committee has been lenient by giving warnings to violators and by not suspending or revoking their certificates. In the present case, however, even if he were not to consider what the Commissioners "said the last time" Mr. Hechavarria "came before them in '87," there was now an officer's report,as well as two reports from street artists, which warranted revocation. To Mr. Hechavarria, the Commissioner stated: "I don't see how we could continue allowing you to have your license when there are a lot of things here that I feel are serious. One: assaults. Assault on a vendor ... Also, I feel it's a serious offense to be selling and working under the influence. And we do have a letter from the store" employee "saying that he was physically assaulted."

RECOMMENDATION

Commissioner Genera moved that it be recommended that Mr. Hechavarria be found in violation of the street artist ordinance and that his certificate be revoked; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera told Mr. Hechavarria that should he wish to re-apply for a certificate at a later time, the Commissioner would recommend that the Commission re-evaluate his history with the Street Artists Program and other programs that he may have been involved with.

B. Mario and Helga Werner - Certificates # 3907 and 3910. Alleged violations: (1) display of items not of the artists' own creation; (2) display of items not certified by the Arts Commission; (3) selling in locations not designated by Board of Supervisors.

Mr. Werner and Ms. Werner were not present. As the Arts Commission's hearing procedure allows for a hearing to proceed in the absence of a duly notified defendant, the Chairman asked Program Director Lazar to present the case. Mr. Lazar listed the charges and stated that the items which the Werners were charged with having displayed were wristwatches and bolo ties not of their own creation and not certified by the Arts Commission. For the third charge, selling in a location not designated by the Board of Supervisors, there were three dates on which the Werners were observed allegedly com-

Continued.....

mitting this violation: October 19, 24 and 26, 1991. In addition, Art Inspector Noakes observed them in an illegal location (the white zone fronting The Cannery on Jefferson Street) on the weekend prior to this hearing. Mr. Lazar submitted photos of the Werners and their display, taken by the Art Inspector on October 19th, and a copy of a Police Incident Report written on October 24th by Officer Kirk Brookbush who cited Mario Werner for selling merchandise (watches) without a permit and for selling in an illegal location (corner of Sutter and Montgomery Streets).

Commissioner Genera identified Mario Werner in the photos and stated that on one occasion he saw Werner set up downtown, saw his street artist certificate on his display, and asked him if he made the watches, and Werner replied that he had not. The Commissioner went on to say that during the last Christmas season Werner was set up selling every afternoon in front of the building in which the Commissioner worked.

Officer Kirk Brookbush testified that he was the officer who wrote the Incident Report submitted to the Committee. He stated that on October 24th, at the corner of Sutter and Montgomery Streets, he observed Mr. Werner set up with a portable stand and in the process of selling a watch to a woman: he handed her the watch, she handed him currency, and she walked away without receiving a receipt. Mr. Werner sighted Officer Brookbush, tried to flee, was taken into custody, and his cash, his Arts Commission certificate, and his merchandise - 141 "counterfeit" watches - were confiscated. (Officer Brookbush clarified that "counterfeit" meant that the watch's workings were Timex while its body was Gucci, Rolex, and other brands.) All the items were booked at Central Station as evidence, and Mr. Werner was issued a citation and released. Officer Brookbush sent a copy of the citation and the Incident Report to the Street Artists Program.

RECOMMENDATION

Commissioner Eichelbaum moved that it be recommended that Mario Werner and Helga Werner be found in violation of the street artist ordinance and that their certificates be revoked; the motion was seconded by Commissioner Genera and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Emmanuel Cometa - Certificate #3899 expired April 4, 1991; Mr. Cometa's request for priority was received by the Program on December 19, 1991. Commissioner Genera moved that Mr. Cometa's request for priority be disapproved; the motion was seconded by Commissioner Eichelbaum and unanimously approved. Commissioner Genera asked that the Program send Mr. Cometa an application for a certificate.

Continued.....

B. Joseph Williams - Certificate # 3020 expired November 27, 1991; Mr. Williams' request for priority was received by the Program on January 7, 1992. Commissioner Genera moved that Mr. Williams' request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III NEW BUSINESS

A. Shopping carts used as street artist displays. Program Director Lazar said that his staff had observed one street artist who was selling his items off a Safeway shopping cart which, for all appearances, might be considered stolen property. In addition, Mr. Lazar felt that the sight of a shopping cart used as a street artist display gave the Program a poor image, did not enhance the purpose of the Program nor the Program's achievement of twenty years' existence. He asked that the Program Committee, in the near future, issue a statement dealing with "propriety of displays."

Commissioner Eichelbaum responded that, notwithstanding the issue of stolen property, there was not really anything that the Arts Commission could say about the style or type of equipment which the artists may use for their displays, so long as the displays were not oversized or reflected poorly on the Program, as a display looking like stolen property. He added that he had seen many street artist displays of various kinds that were highly imaginative.

Mr. Lazar stated that the City Attorney clarified that the Arts Commission has the authority to suspend or revoke a street artist certificate if the artist's business is conducted in a disorderly, improper or hazardous manner. If the Commission, he said, would issue a statement that a street artist display may not be of a disorderly, improper or hazardous manner, a message would be sent that the Commission was looking for displays of quality.

Discussion ensued about artists' displays of various countries of Europe, from uniform displays in Munich to displays of varying materials in Florence. Street artist John Bass said that the image of a shopping cart for a display looked "tacky" and presented the appearance of having been stolen.

B. Larry Rosenbloom letter. Street artist Larry Rosenbloom read a letter of grievance he wrote about the budget and management of the Street Artists Program. He asked that it be considered as part of the agenda of the next meeting. Program Director Lazar addressed each of the complaints made by Mr. Rosenbloom, and said he would be submitting his budget for 1992-93 to the Program Committee for next month.

Commissioner Eichelbaum said that the next meeting should review the issues raised by Mr. Rosenbloom, consider the budget for next

Continued.....

year, and embark on a review of the Program, as requested by Arts Commission President Barbara Sklar. Commissioner Genera said that the entire meeting for next month would be devoted to the budget; he invited the artists to attend.

C. Review of lottery system for street artist spaces. Street artist Denise Ward criticized the present lottery procedure whereby the artists "like ragpickers" have chosen to draw their lottery slips out of "a garbage can" to see "whether they're going to work that day or not." She asked that procedural issues, as the lottery system, be considered for next month's meeting. Commissioner Genera responded that, a year ago, a proposal was raised before his Committee for a different lottery system which made sense to him and received his endorsement; however, the majority of the artists did not want it and succeeded in having it tabled. The Commissioner said that "there is a large group within the street artists who really don't want any drastic change," while there were others, he felt, who were willing to try change.

D. Civic Design Committee/Street Artists Program Committee joint meeting on logo-umbrellas. Commissioner Genera announced that on Monday, January 13th the Civic Design Committee and the Street Artists Program Committee will hold a joint meeting, as part of the Civic Design Committee agenda, to consider logo-umbrellas, banners, or other format to promote the street artists. Mr. Lazar will be presenting cost estimates for such items. The Commissioner added that the Program was continuing its work for the spring-summer airport exhibit as part of the Program's twentieth anniversary.

There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County
of San Francisco

THE ARTS
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OF SAN FRANCISCO

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STREET ARTISTS PROGRAM COMMITTEE

February 12, 1992
Arts Commission Conference Room, Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:40.

Attending the meeting were the Director of Cultural Affairs Joanne Chow Winship and street artists Robert Clark, William Clark, Enrique Mendoza, Laurie Price, Denise Ward, and Brenda Weiss.

I REQUESTS BY FORMER CERTIFICATEHOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Joseph Beckman** - Certificate # 3607 expired January 12, 1992; Mr. Beckman's request for priority was received by the Program on February 6, 1992. Commissioner Genera moved that Mr. Beckman's request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. **Vicky Carp** - Certificate # 2122 expired October 28, 1991; Ms. Carp's request for priority was received by the Program on February 7, 1992. Commissioner Genera moved that Ms. Carp's request for priority be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. **Glynis Livimgstone** - request for postponement of screening to May, 1993. Commissioner Genera moved that Ms. Livingstone's request for postponement be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST FOR FUTURE CONSIDERATION OF PRIORITY CERTIFICATE

A. **Horatio Tubio** - Certificate # 2196 expired January 27, 1992. Mr. Tubio wrote to the Program on January 2, 1992 that he would not be able to renew his certificate due to the recent death of his father which required Mr. Tubio's "presence in Argentina to help solve family problems" for the next six months. Upon his return to San Francisco, Mr. Tubio wrote, he would request a hearing with the Arts Commission for consideration of receiving priority in the issuance of a new certificate. Commissioner Genera moved that, upon Mr. Tubio's notification of his return, a hearing be held to

consider granting priority issuance of a certificate to Mr. Tubio; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV STREET ARTISTS PROGRAM BUDGET 1992 - 93

Program Director Lazar presented the budget for the next fiscal year. He said it was similar to the budget of the current year, the primary difference being the deletion of the Street Art Inspector's position and fringe benefits. The Inspector's position was terminated the previous month in order to balance the current year's budget. The position was not written in the next year's budget so that the budget would be balanced with the maintenance of the present street artist fee of $350 a year or $87.50 a quarter. In addition to the deletion of the position, the cost of $2,400 for printing the Program's handbook was deleted. The deletions amounted to a total savings for the Program of $50,414.

Mr. Lazar went on to say that if salary standardization were to be approved, the total Program budget would be $121,000; without salary standardization, the budget would be $111,220 - as compared with the present year's budget of $161,680.

For funding the budget, Mr. Lazar stated that, while the $121,000 budget required only 346 artists paying the annual fee of $350, experience from the current year's fee revenue showed that it is necessary to have approximately 470 - 480 artists in the Program to yield the necessary 346. This is due to the fact that many artists, especially newcomers to the Program, do not pay fees for more than one or two quarters. While several artists during the past Christmas season protested to the Arts Commissionto lower the number of artists and would probably be pleased to see the number drop to 346, it was, nevertheless, necessary to maintain 470 - 480 in order to balance next year's budget.

Mr. Lazar noted that if all artists had to purchase their certificate on an annual basis only, rather than have the option of purchasing their certificate for a quarter, it would not be necessary to have more than 346 artists in the Program. However, in order to do so, the Arts Commission would have to go to the ballot to rescind the quarterly option. The adviseability of placing a street artist measure before the voters would have to be considered by the artists and the Arts Commission.

In the meantime, in order to balance the current year's budget, it was vital to maintain 470 - 480 artists in the Program. The same number would be necessary to support next year's budget with

salary standardization. Without salary standardization, it would benecessary to have 317 artists paying a full year's fee. Since a margin of 134 artists was necessary to yield 346 to support the first-case budget, the same margin, over 317, would be necessary to support the second-case budget.

Director of Cultural Affairs Joanne Chow Winship clarified that because the Arts Commission was charged with administering the street artist licensing, this duty is adminstered by employees of the City and County, for whom the Arts Commission has no choice as to whether salaries are increased or decreased; the figures reported by Mr. Lazar were given to the Commission by Civil Service. In order to administer the Program, the license fees have to pay for the administration.

Street artist William Clark pointed out that the current mid-year's revenue of $65,000 reflected an insufficient quantity of revenue due to some 130 street artists who chose to pay for their certificates for a year under the old fee of $230 just before the new fee was enacted; and that for next year **all** street artists would be paying the current rate, which would yield revenue much higher than Mr. Lazar's projected $125 - 130,000. Mr. Clark further stated that, for next year, should the Program maintain 480 artists starting from July 1st, artists dropping out should be replaced by newcomers, and there would be an estimated surplus revenue of some $50,000 over the $111,000 budget. With this surplus, the fee rate could eventually be reduced to $60 a quarter. Mr. Clark added that one of the reasons why so many people have been dropping out of the Program is because the fee is so high. With the fee reduced to $60 a quarter, less people would drop out, and the $111,000 budget would be supported.

Commissioner Eichelbaum stated that another reason for the high dropout rate was poor business at the present time. However, he felt Mr. Clark's suggestion was worth investigating.

Commissioner Genera cautioned against dropping the fee at this time because there were too many people leaving the Program. He had heard from many artists that the Inspector's position was a factor in helping many artists decide to leave. Now that the position has been eliminated, it would be adviseable to study the attrition rate over the next few months, rather than elect to lower the fee at this time.

Director of Cultural Affairs Winship stated that while it may be true that a lowering of the fee might keep many people from dropping out, it would also increase the administrative screening work - Mr. Lazar has to administer this duty and also inspect the

artists' wares on the streets; if there is more income, there is more work load.

Street artist Enrique Mendoza said that, at some point, there would again have to be a full-time inspector on the streets.

Street artist Brenda Weiss stated that one of the reasons for the high attrition rate is that the number of viable selling spaces has been reduced over the years. No **new** temporary spaces were given to the artists for the last Chritsmas season.

Commissioner Eichelbaum stated that if the revenue were to yield a surplus, then at that time - July - the Committee could consider lowering the fee. The Commissioner stated that last year he personally was against raising the fee.

Director of Cultural Affairs Winship pointed out that the Controller had advised the Program to keep in reserve, if possible, enough money to cover an extra month's operational costs.

The Committee noted that not one of the 100 artists who had signed a petition last year to raise the fee higher than that which was proposed, in order to allow for a decrease in the number of artists, was present. It was further noted that not one of the artists who had telephoned the Director of Cultural Affairs or had written to the Commissioners in protest against Mr. Lazar's actions to maintain 480 - 500 artists during the last Christmas season, and who had asked that the number of artists be reduced, was present.

Street artist William Clark stated that many of the artists who had criticized Mr. Lazar for maintaining the number of artists had paid for the year under the old fee rate; if the Commissioners were to abide by their wishes and further lower the number of artists, the fee would be higher than it is. Mr. Clark asked that the Program Committee assess the fee in June to see if it could be reduced.

Commissioner Genera moved that the Street Artists Program budget for 1992-93 as presented by the Program Director be submitted for approval, maintaining the present certificate fee ($350 a year or $87.50 a quarter), with a review in June, 1992, to assess whether there would be a surplus of fee revenue to warrant a reduction of the fee; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Street artist Brenda Weiss stated that she did not see the need for an artist to receive two certificates, and that the cost of printing could be reduced. Street artist Denise Ward added that there would also be a significant savings in plastic lamination if the artists were to receive only one certificate. Mr. Lazar

clarified that ten years ago the Arts Commission, at the request of the artists, had adopted a policy to enable each artist to carry a certificate and have another certificate posted on his display at all times. If the Commission wished to reduce this cost, it would have to rescind its policy.

Commissioner Genera moved that the Arts Commission's policy of issuing two certificates to each artist be rescinded; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

V REVIEW/DISCUSSION OF ISSUES, GOALS, PROCEDURES OF STREET ARTISTS PROGRAM

Street artist Brenda Weiss requested that the Commission make effort in obtaining additional viable selling spaces. She asked also that many of the temporary Christmas spaces - especially those by Chevron on Market Stree- be made into year-round spaces. Mr. Lazar stated that he wanted to submit proposals from street artists for spaces at the next Program Committee meeting.

Commissioner Genera stated that with any Commission request for spaces, there will inevitably be the merchants' question as to why the artists do not improve the appearance of their displays. Commissioner Eichelbaum reported that at the last joint meeting of the Civic Design Committee and Street Artists Program Committee there was discussion on the possible usage of umbrellas and other furniture with a street artist logo which would easily identify the artists. What had been decided was that it be recommended that the artists be provided with a choice of using the following logo-bearing items: an umbrella; a banner; a skirt to attach to the display.

Street artist Robert Clark said that for a logo he would submit to the Program Committee the original artwork which was used for the 1974 street artist campaign buttons and was donated by a commercial artist. Mr. Clark added that if the City wanted to help the artists, it should do what it has never done before: advertise the Program in brochures, etc.

Director of Cultural Affairs Winship responded that at the Commission's recent staff meeting there was discussion on publishing a comprehensive brochure on the Commission and its programs. A street artist logo, as that of any other Commission program, should be coordinated with the Commission so that it is easily identifiable as belonging to the Commission.

Commissioner Eichelbaum stated that the upcoming photo exhibit of the Street Artists Program at the airport would greatly help in promoting the Program.

Mr. Lazar stated that in addition to color blowups of extreme close-up shots of street art, there will be a map identifying the major street artist locations. The exhibit will be seen by 8,000 travellers a day from May through August of this year.

Street artist Brenda Weiss asked the Program Director to see if the Program could become a member of the San Francisco Convention & Visitors Bureau in order to be listed in the Bureau's brochures. Mr. Lazar said he would call the Bureau.

There being no new business, the meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County
of San Francisco

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STREET ARTISTS PROGRAM COMMITTEE

March 11, 1992
Arts Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

PROGRAMS
Arts Festivals
Civic Art Collection
Civic Design Review
Community Arts & Education
POPS Symphony Concerts
Public Art Program

Suite 430
Street Artists Licenses
415-554-9677
ArtHouse
415-554-9679

Arts Commission Gallery
155 Grove Street
415-554-9682

Commissioners present: Daniel Genera, Stanley Eichelbaum.

Commissioner Genera, Chairman, called the meeting to order at 4:30 p.m.

I RECOMMENDATION FROM PROGRAM DIRECTOR TO REQUEST BOARD OF SUPERVISORS TO REVIEW AND RE-DESIGNATE TWO SELLING SPACES ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET

Program Director Lazar informed the Committee that the two new spaces on Beach Street, at Hyde Street, obtained by the Arts Commission for the street artists last October were designated by the Board of Supervisors subject to review by the Board every six months, beginning in May, 1992, and ending in May, 1993. In keeping with this provision of the resolution, Mr. Lazar asked that the Arts Commission vote to request the Board to schedule their revue in May, 1992. Commissioner Genera moved that the Arts Commission request the Board of Supervisors to review in May, 1992 and re-designate for another six months the two street artist selling spaces on Beach Street, northwest corner, at Hyde Street, as per Board of Supervisors Resolution No. 940-91; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II REQUEST BY APPLICANT FOR WAIVER OF TIME-LIMIT POLICY ON ISSUANCE OF CERTIFICATE

A. **Edgardo Cometa** - Mr. Cometa's wares were screened and approved for certification on December 19, 1991. Program Director Lazar stated that today the Program office received a telephone call from Mr. Cometa, informing the office that he had exceeded the ten-day policy allowed him for paying for his certificate; he had not been able to pay for it until now, and he was requesting permission to do so. Commissioner Eichelbaum stated that if Mr. Cometa were to re-apply and wait another three months for a screening, it would be unreasonable; furthermore, since the fee had risen considerably, an exception to the waiver should be made in this case. A further consideration, he said, was the shape of the economy. Commissioner Eichelbaum moved that the time-limit policy on issuance of certificate be

waived and that Mr. Cometa be permitted to purchase a certificate; the motion was seconded by Commissioner Genera and unanimously approved.

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Hugh (Gene) Simpson** - Certificate #3852 expired February 8, 1992; his request for priority issuance was received by the Program on March 6, 1992. Commissioner Genera moved that Mr. Simpson's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: AMENDMENTS TO "BEAD STRINGING" ARTS AND CRAFTS CRITERIA

Street artist Edward Steneck requested postponement of the item to the following month, as the majority of artists (those who make beadcraft) who would be affected by the proposed amendments were not aware of today's hearing. While notice was sent to the members of both the Street Artists Liaison and Lottery Committees, notice of the hearing had not been shared by these people with the bead stringers.

Mr. Mathew Porkola, Chairman of the Advisory Committee of Street Artists and Craftsmen Examiners, told the Commissioners that his Committee was not, in the proposed amendments, attempting to change the criteria but was clarifying the criteria. First, the Advisory Committee had, for the past ten years, screened beaded earrings under the criteria that specified a numerical minimum of three components (beads), whereas the published criteria stated, in error, two components: "two" needed to be changed to "three." Second, the present criteria specified that "beads ... when strung by the craftsperson, ... must be different" in design "from the original purchased design," whereas many bead stringers were simply purchasing strands of beads and transfering them, design intact, onto other strings: it was now necessary to clarify, by amendment, that "beadstringing in itself is not considered as fulfilling the street artist ordinance's definition of 'handcrafted item'" (Section 2401(b), Ord. 41-83); "that is, bead stringing in itself is not considered as 'predominantly' or 'significantly' altering the form of the components." Mr. Porkola's Committee wanted to specify, in writing, that "strands of single-color and single-size beads are not considered to be fulfilling the definition of 'handcrafted item'."

Mr. Porkola further stated that, for the past four years, he and Advisory Committee member Josie Grant had warned artists on the streets that their Committee would put this clarification in writing; therefore, he said, this should not be a surprise to anyone.

Mr. Steneck disagreed and again requested a rescheduling of the hearing. He volunteered to disseminate notices of the next hearing on the matter at a Saturday street artist lottery so that a sufficient number of bead stringers would attend.

Commissioner Eichelbaum moved that consideration of the Advisory Committee's recommended amendments to "bead stringing" criteria be postponed to the next Program Committee meeting; the motion was seconded by Commissioner Genera and unanimously approved.

V REQUESTS FROM STREET ARTISTS FOR DESIGNATION OF PERMANENT AND TEMPORARY SELLING SPACES

A. From **Peter Wiley** and **Kelly Ladas** (for temporary Christmas spaces):

1) Post Street (Stockton to Grant), north side: 6 spaces.
2) Geary Street (Stockton to Powell), south side: 3 spaces.
3) O'Farrell Street (Stockton to Powell), north side: 20 to 30 spaces.
4) Grant Avenue (Post to Sutter), west side: 2 spaces.
5) Grant Avenue (Geary to Post), west side (by Crate & Barrel store): 2 spaces.
6) Grant Avenue (Geary to Post), west side (by Brooks Brothers store): 2 to 4 spaces.
7) Post Street (Powell to Stockton), north side (by Saks 5th Avenue store): 3 to 6 spaces.

Mr. Lazar stated that he had not been able to survey more than half of the listed request, due to time restrictions, but was able to give his recommendations on those he did survey. The Commissioners noted that there were no merchants present representing the Downtown area; Mr. Lazar had sent notice of the meeting to representatives of eight stores/merchant associations whose area would be impacted by this proposal, as well as to representatives of five businesses/merchant associationswhose Castro/Upper Market area would be impacted by the request from street artist

Laura McCamy (Item C). Mr. Lazar asked that the Wiley-Ladas proposal be rescheduled for another month so that the same merchants of the Downtown-Union Square area could be re-notified for another opportunity to express their views to the Committee.

Commissioner Genera stated that he wished to propose that all of the above spaces be considered for permanent, rather than temporary, designation. Commissioner Genera moved that the Wiley-Ladas proposal be postponed to the following Committee meeting, and that the representatives of the merchants be re-notified; the motion was seconded by Commissioner Eichelbaum and was unanimously approved.

B. From **Virginia Travers** (for permanent space):
1) Request for re-designation of space "GRANT 6" (Grant Avenue, west side, by Crate & Barrel store) as exempt from Section 2405(c)(8)(2), Regulations for Street Artists, "Yellow Zone," Ord. 41-83.

Mr. Lazar explained that the space known as "GRANT 6" already exists as a permanent space but is restricted in its usage by an adjacent yellow (loading/unloading) zone which prohibits artists from selling in the space until after 6 p.m. Monday through Saturday and all day Sunday. Street artist Virginia Travers was asking that the space be re-designated as exempt from the yellow zone regulation so that it could be used all day every day. Mr. Lazar said that he spoke with Ms. Gerry Given, manager of the Crate & Barrel store, who told him that she supported the proposal because her store's delivery trucks do not unload adjacent to "GRANT 6" but unload further down in the zone, opposite the store's entrance.

Commissioner Eichelbaum asked if other spaces had ever received similar exemptions. Mr. Lazar responded that the eight permanent spaces on Stockton Street, west side, Post to Sutter Streets, were designated years ago as being exempt from the white (passenger loading/unloading) zone. Other exemptions were obtained for the twelve permanent spaces at BART Plaza, as well as for numerous temporary Christmas spaces over the past ten years.

Street artist Virginia Travers told the Commissioners that she too had spoken with Manager Gerry Given, who had purchased earrings from her, and had told Ms. Travers that she would be more than willing to cooperate in helping to make "GRANT 6" a full-time space for the artists.

Commissioner Genera moved that the Board of Supervisors be requested to re-designate "GRANT 6" as a permanent space exempt from Section 2405(c)(8)(2), Regulations for Street Artists, "Yellow Zone," Ordinance 41-83; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

C. From **Laura McCamy** (for permanent spaces):

1) Market Street, south side, Sutter and Sansome Streets: Christmas spaces "Z 7" through "Z 18" to be declared permanent; Sutter Street, south side, at Market Street: "Z 29" through "Z 31" to be declared permanent; and Sutter Street, north side (by BART entrance), at Sansome and Market Streets: "Z 32" through "Z 35" to be declared permanent.

Commissioner Genera stated that on Market Street, south side, Sutter at Sansome, adjacent to the Chevron building, there were many illegal (unlicensed) vendors.

Mr. Lazar stated that these "Z" spaces requested by Ms. McCamy were designated as temporary spaces for each of the past ten Christmas seasons.

Street artist Laura McCamy stated that street artists in the spaces year round would be providing a service to the workers of the Chevron building who would not have to go further downtown on their lunch hour in order to buy from the artists.

Commissioner Genera moved that the Board of Supervisors be requested to designate the following former temporary street artist selling spaces as permanent spaces: the twelve spaces ("Z 7" through "Z 18") on Market Street, south side, Sutter and Sansome Streets; the three spaces ("Z 29" through "Z 31") on Sutter Street, south side, at Market Street; and the four spaces ("Z 32" through "Z 35") on Sutter Street, north side (by the BART entrance), at Sansome and Market Streets; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera asked Mr. Lazar to notify the Building Owners and Managers Association (BOMA) and recommend that BOMA inform the managers of the Chevron and Citicorp buildings that the Arts Commission, at its meeting next month, will consider requesting the Board of Supervisors to designate the spaces, and that the managers contact the Arts Commission if they have any objection to the proposal.

2) Harvey Milk Plaza (lower level, adjecent to Municipal Railway station entrance): Christmas (1990) spaces "Z 79" through "Z 82" to be designated as permanent.

The Commissioners reviewed a November 12, 1991 memorandum from the City Attorney's office which clarified that "in order for the Art Commission to have the desired spaces at Harvey Milk Plaza designated as 'permanent' street artists' spaces, it must obtain the approval of the Public Utilities Commission" as well as a resolution by the Board of Supervisors designating the spaces and exempting them from the regulation which prohibits street artists from selling within twelve feet from the outer edge of any entrance.

Street artists Laura McCamy, Brenda Weiss, and Enrique Mendoza expressed support of this proposal. Mr. Mendoza referred to the petition he circulated in the Castro/Upper Market area for which he obtained 200 signatures in the fall of 1990 in support of "thestreet artists in public places in the Castro neighborhood during the Christmas season in Harvey Milk Plaza." He also proposed that there be five spaces designated on the upper level of the Plaza and said he would approach the merchants in the area for their endorsement.

With respect to Mr. Mendoza's proposal for the upper level, Mr. Lazar told the Commissioners that he would require time to survey the location and to prepare findings as to whether such proposed spaces would meet with, or require exemptions from, the regulations.

Mr. Gerald Abbott, Treasurer of the Merchants of Upper Market Street, stated that the street artist spaces on the lower level might impact on rush-hour commuters entering and leaving the Muni station; however, he wanted to see a map of the proposed sites.Ms. McCamy showed him a map and said that she had sold there during the Christmas season of 1990 and that there was no interferance of commuters or any congestion at all. Mr. Abbott replied that he had no problem with the proposal for spaces on the lower level.

Commissioner Genera moved that the Board of Supervisors be requested to designate four former temporary selling locations on the lower level of Harvey Milk Plaza as permanent locations exempt from Section 2405(c)(6), Ordinance 41-83, for street artists; the motion was

seconded by Commissioner Eichelbaum and unanimously approved.

3) 18th Street, south side (by Security Pacific Bank), at Castro Street: 2 spaces to be designated as permanent.

Commissioner Eichelbaum said he saw no problem with the proposal because the location was currently being used by performers, chairitable solicitors, and community groups.

Mr. Lazar submitted findings based on his survey: the proposed two spaces would require exemptions from (a) the distance-from-crosswalk regulation, (b) distance-between-spaces regulation, and (c) the pedestrian walkway regulation.

Mr. Abbott of the Merchants of Upper Market Street stated that the proposed site was on private property, Security Pacific Bank, and that the right to pass was reserved.He further reported that the manager of the bank was ambivalent to the proposal at this point in time and did not have the power to grant permanent usage of the space.

Ms. McCamy said she would write to the bank management for approval of the use of their private property. The Committee withdrew their consideration of the proposal.

VI NEW BUSINESS

A. **Budget.** Street Artist Larry Rosenbloom apologized to the Commissioners for not attending the previous month's meeting on the Street Artists Program's budget for 1992-93. He reported that thirty-five percent of the street artist licenseholders attended the lottery for spaces on the previous weekend, and he estimated that there could be forty-five percent attending the lotteries by summer. He asked that the Program decrease the number of new applicants called up for screening,that as soon as the Program reached the necessary amount of revenue to complete its expenses for the current year, the screenings of new applicants be decreased. He also stated that most artists had not been informed of the last budget meeting and no one showed up.

Mr. Lazar responded that it was necessary to maintain the current level of scheduling for screening, and that the Street Artists Program Committee had already decided at the last meeting to continue its consideration of budget

issues in June. Mr. Lazar asked that the Committee re-consider the proposed "punch card system" of assigning spaces, drafted by street artists Bill and Bob Clark, which, he felt, could bring about a better and more fair distribution of spaces for all artists than that which was happening by the present lottery system.

Street artist Bill Clark stated that the reason the Street Artists Program Committee would not be having another meeting on the budget until June was because at that time the Commissioners would be able to see whether there would be a surplus of revenue to warrant a reduction of the certificate fee.

Street artist Brenda Weiss stated that a major reason for the increased attendance at the lottery in February was the recession.

Street artist Bob Clark stated that the "buddy system," drafted by his brother and he and approved by the Arts Commission for a trial period, eased the "crunch for spaces" last fall because artists were allowed to share spaces. Bill Clark asked that the re-institution of the "buddy system" be placed on the next Program Committee agenda. Mr. Clark also stated that he could prove that the present lottery system was not fair to the artists, and that it was time to look at his proposed "punch card system."

Commissioner Genera asked Mr. Lazar to put the "buddy system" (space sharing) on the next Committee agenda.

Street artist Brenda Weiss objected to Mr. Rosenbloom's statement that most artists had not known of last month's meeting. In addition to Mr. Lazar's mailout to the members of both the Liaison and Lottery Committees and to artists on the mailing list, she personally "promoted the budget meeting very heavily to get people there ... I talked to Larry ... No one responded ... Decisions were made at the meeting. We <u>were</u> consulted. And I announced it." As to Mr. Rosenbloom's request that the screenings of new applicants be reduced, Ms. Weiss responded that "if nothing new comes into the Program, no one will buy from us." The meeting adjourned at 6:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar, Director
Street Artists Program

City and County of
San Francisco

THE ARTS
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STREET ARTISTS PROGRAM COMMITTEE

April 8, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera

Commissioner Genera, Chairman, called the meeting to order at 4:45 p.m. The Commissioner announced that Commissioner Eichelbaum was not able to be present; and, due to a lack of quorum, Commissioner Genera would adjourn the meeting. He said he would remain to discuss any matter of the agenda with the members of the public, for the purpose of gathering information, and would make no recommendations at this time.

The following street artists, store merchants, and representatives of business organizations were in attendance:

STREET ARTISTS

Diana Manley	Merlin Willis	Sachiko Matsumoto
Gat Wah Lee Chen	Roger Ho	Ann Cheng
Sandra Bishop	Willie Cheng	Chao-Ju Chang
Steve Kogan	Chinglan Sun	Rui Ling Huang
Edward Steneck	Vivian Lee	Jim Billy
Sharon MacDougall	Chik Yuk Suen	Kimberly Kradel
Virginia Burris	Cheryl Chen	Rebecca Wolford
Tad Sky	Eaiko Chou Chang	Laurie Cannon
John Bass	Yen Ling Chang	Peter Wiley
Kelly Ladas	Brenda Weiss	

ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

Marcia Weisbrot

STORE MERCHANTS/BUSINESS ORGANIZATIONS

Harry Kanke, Sales Support Mgr., Macy's
Edward Lawson, Executive Director, Union Square Association
Bobi Eisenberg, Personnel Director, Saks Fifth Avenue
Geraldine Lafferty, Administrative Assistant, Gump's
Jon S. Handlery, Vice President/General Manager, Handlery Union Square Hotel
Robert F. Begley, Executive Director, Hotel Council of San Francisco
Denise Cox, Ciro
Joe Brainis, Manager, Ciro

Commissioner Genera adjourned the meeting. The Commissioner

discussed with the persons in attendance the following matters:

A. Art Commission meeting of April 6, 1992. The Commissioner apologized to those street artists who, he said, had waited three and a half hours to speak at the Art Commission meeting and had not been permitted to do so. The Commissioner stated that the Commission's agenda had placed the Street Artists Program and the cultural centers near the end, and, by the time their issues came up, many of the Commissioners had to leave, the others were too tired, and the street artist issue (the request for spaces on Market Street and on Sutter/Sansome Streets) was referred back to committee. The Commissioner said he had made it clear to the Art Commission President and the other Commissioners that they cannot keep people waiting just because their issues are not considered as very important. Such issues, he said, are as important to the street artists as they are to the store merchants and others involved.

Mr. Edward Lawson, Executive Director of Union Square Association, asked that the record reflect that he was present but that he elected not to speak until there was a quorum. (Mr. Lawson and the other store-businesspeople were present to address another request by the street artists: sales spaces in the Union Square area.) Commissioner Genera replied that the minutes would reflect that persons appeared to testify but chose not to do so until next month's meeting. The store merchants and their representatives vacated the room.

The Commissioner stated that he understood the frustration of the merchants and artists who took the time to come to the meeting. He went on to say that ever since he was appointed to the Street Artists Program Committee, he has asked the full Commission for a third Commissioner to share in the work load and to help safeguard against adjournment of meetings from lack of quorum. There was no reason, he said, for the Commission to not put another member on his Committee.

Street artist Brenda Weiss stated that she felt the Art Commission's decision to send the artist's request for spaces back to committee was wrong. Commissioner Genera concurred and said he had so told his fellow Commissioners. He added that it was a matter of priorities: he did not feel that his colleagues' three-hour discussion on where a statue should be placed was as important as whether street artists were going to be able to work, or whether the cultural centers of the city would survive the budget cut. He added that he did not see value in spending "millions of dollars of private funding to re-locate a monument that I don't even feel is deserving of being in Civic Center."

B. **Requests from street artists for designation of permanent selling spaces.** Street artist Brenda Weiss stated that the Commission's sending of the artists' request back to committee set the artists back two months. Street artist Laurie Cannon stated that, in supporting any proposal for spaces, the artists should go with a positive attitude and an understanding of how they could benefit and contribute to a business area - for example, by increasing the foot traffic for store businesses.

Program Director Howard Lazar stated that one positive point to remember was that the Art Commission licenses 480 - 500 people who are thus given an opportunity to earn their own way. Another point was that the street artists contribute to the local economy: some 200 of these people sell their wares on a daily basis; if a conservative average annual income of $15,000 for them is considered, their total income and input to San Francisco's economy is $3,000,000. The street artists, he said, have been a business segment of the economy for twenty years. He added that he still receives calls and letters from cities throughout the United States, Canada, and Europe requesting a copy of the voters' mandate for licensing street artists, the Art Commission's rules, regulations, and policies governing the artists, and advice on establishing such a program. The requests have stated two primary reasons for their admiration of San Francisco's licensing program: (1) the fact that a street artist must submit his/her wares to a screening prior to receiving a license, and (2) the uniqueness of a city who provides selling spaces to its artists throughout its major business areas.

Commissioner Genera stated that the request (on this meeting's agenda) for sales spaces in the Union Square area would be re-scheduled for the Committee's June meeting; while the request for spaces on Market Street and on Sutter/Sansome Streets, which had been referred by the Commission back to committee, would be taken up at the May meeting.

Mr. Lazar stated that while he had notified the San Francisco Council of District Merchants, the Union Square Association, and the Downtown Association of the March committee's meeting on the request for spaces on Market Street and on Sutter/Sansome Streets, he had failed to notify the Building Owners and Managers Association (BOMA). Afterward, BOMA was notified for, and appeared at, the full Commission meeting on April 6th; however, the Commissioners voted to refer the matter back to committee. Mr. Lazar apologized for his oversight.

Commissioner Genera received clarification from street artists Sandra Bishop and Brenda Weiss on their proposals for sales spaces

on Sansome Street near Bush Street and on Post Street at Montgomery (areas currently occupied daily by unlicensed vendors of commercially manufactured items); the Embarcadero adjacent to Pier 5 to 7; Beach Street, by the Wharfside Building; Point Lobos (where there were now three street artist spaces); and Market Street, 16th to 17th Streets (currently occupied by unlicensed vendors).

Mr. Lazar asked all artists present to be specific with diagrams as to the locations they request; this would facilitate his own surveys and measurements of the areas for his findings and recommendations.

C. **Budget cuts/Art Commission Gallery.** Commissioner Genera stated that there was a possibility the Art Commission's Gallery may be shut down because of lack of funds. He wanted to explore ideas of the Gallery to be used in some way by street artists who create pieces they cannot sell on the streets, pieces that would require a gallery setting. Mr. Lazar reported that the Advisory Committee of Street Artists and Craftsmen Examiners had similarly proposed that street artists be given a show in the Gallery of works they could not sell on the streets, and that such a show be an event of the Street Artists Program's twentieth anniversary. Furthermore, as a precedent, street artists in 1980 were awarded by the Art Commission and given a group show in the Gallery. Commissioner Genera said it would be wrong for the Commission to not have its own gallery, and he could not think of a better group of artists than the street artists to show there on a semi-regular basis.

As for the cuts in the Street Artists Program (the elimination of the Art Inspector's position and its fringe benefits), the Commissioner stated he did not feel that the street artists were adversely affected; he assessed that the Program was "surviving and going along well."

D. **Recommendation from Advisory Committee of Street Artists and Craftsmen Examiners: amendments to "BEAD STRINGING" arts and crafts criteria.** Commissioner Genera asked for clarification of the purpose of the proposed amendments. Mr. Lazar clarified that the Advisory Committee was offering language which emphasized the existing criteria, keeping it more in line with the street artist ordinance's definition of "handcrafted item": "an item predominantly created or significantly altered in form by the street artist." The Advisory Committee, in its clarifying amendments, did not feel that a necklace of the same single-color, single-size beads fulfilled the definition. The Committee wanted to see more of the artist's design input on a beadstrung item.

Street artists Edward Steneck, Sharon MacDougall, Sachiko Matsumoto, Roger Ho, and Tad Sky objected to the proposed amendments by maintaining that (1) the very fact that the artists do their own beadstringing in itself satisfies the ordinance's definition, (2) they can and do make necklaces of mixed size and color beads and of highly imaginative design, but (c) in many instances, the customer requests sheer simplicity and asks them to make a simple strand of single-color, single-size beads. Would it be fair to turn a customer away because the rules forbid such a necklace even though the artist would put it together himself?

Street artist Brenda Weiss supported the Advisory Committee's proposed amendments, stating that street artists "are artists first" and should demonstrate their skills in creating unique designs. She added that she herself does her best to give the customers what they want and still remain within the criteria.

Street artist Kimberly Kradel said she wanted to see more creativity in the Program, and that this would actually stimulate customers to buy more.

Commissioner Genera stated that he now understood the Advisory Committee's reason for the proposed language; however, there would be no point for an artist to display his most creative pieces if they do not sell. He said that the matter would be considered at next month's Committee meeting.

E. **Hearing on "Buddy (space sharing) System" (adopted by Art Commission for three-month trial basis August 6 - November 6, 1991).** Commissioner Genera stated that this item would be placed on next month's Committee agenda.

The discussion ended at 6:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SF
A70.75
#2
5/13/92

y and County
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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, May 13, 1992
4:30 p.m.
Art Commission Conference Room
Suite 70 (basement area)
25 Van Ness Avenue
San Francisco, California

A G E N D A

I REQUEST FROM STREET ARTISTS FOR DESIGNATION OF PERMANENT SELLING SPACES (referred back to Committee by Art Commission 4/6/92)

A. Nineteen (19) former temporary Christmas selling spaces:
1) Twelve (12) spaces - Market Street, south side, Sutter and Sansome Streets;
2) Three (3) spaces - Sutter Street, south side, at Market Street;
3) Four (4) spaces - Sutter Street, north side (by BART entrance), at Sansome and Market Streets, exempt from Section 2405(c)(6), Regulations for Street Artists, Ordinance 41-83.

II RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: AMENDMENTS TO "BEAD STRINGING" CRITERIA (continued from 3/11 and 4/8/92)

New language underlined; deleted language in ((double parentheses)):

"Earrings and Stickpins: Earrings and stickpins must have a numerical minimum of three ((two)) components in addition to their 'findings' ..."

"BEAD STRINGING: Beads cannot be sold the same as when purchased; when strung by the craftsperson, their design must be different from the original purchased design. Beadstringing in itself is not considered as fulfilling the definition of a 'handcrafted item' (Ord. 41-83, Section 2401(b)); that is, beadstringing in itself is not considered as 'predominantly' or 'significantly' altering the form of the components. Decisions on approving certification for beadcraft or beadstringing shall be based on the design of the work. Strands of single-color and single-size beads are not considered to be fulfilling the definition of 'handcrafted item'."

III HEARING ON RE-ADOPTION OF "BUDDY (SPACE-SHARING) SYSTEM" (adopted for trial basis August 6 - November 6, 1991)

IV NEW BUSINESS

City and County of
San Francisco

THE ARTS
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STREET ARTISTS PROGRAM COMMITTEE

May 13, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum

Commissioner Genera, Chairman, called the meeting to order at 4:35 p.m.

I **REQUEST FROM STREET ARTISTS FOR DESIGNATION OF PERMANENT SELLING SPACES** (referred back to Committee by Art Commission 4/6/92)

Nineteen (19) former temporary Christmas selling spaces:

A. Twelve (12) spaces - Market Street, south side, Sutter and Sansome Streets;
B. Three (3) spaces - Sutter Street, south side, at Market Street;
C. Four (4) spaces - Sutter Street, north side (by BART entrance), at Sansome and Market Streets, exempt from Section 2405(c)(6), Regulations for Street Artists, Ordinance 41-83.

Commissioner Genera stated that he had visited the requested areas, had spoken to some of the street artists and to Mr. Walter Finch of the Building Owners and Managers Association (BOMA), and concluded that the sidewalk of Sutter Street at Sansome Street, where 4 spaces were being requested, was narrower than most of the other sidewalks where street artists set up, and that it was also a very busy intersection. Accordingly, he was not inclined to approve the requested 4 spaces. He would, however, recommend the 12 requested spaces on Market Street (adjacent to the Chevron building) and the 3 spaces on Sutter Street at Market Street.

Mr. Walter Finch, Executive Assistant of BOMA, told the Commissioners that his organization appreciated the deletion of the 4 spaces from the request. He went on to say that he contacted the building owners and managers on Market Street and at the Sutter Street intersection, and they and BOMA supported the request for the other 15 spaces.

Commissioner Genera moved that four (4) spaces requested for Sutter Street, north side, at Sansome and Market Streets, be deleted from the artists' request, and that the Board of

Supervisors be requested to designate fifteen (15) former temporary street artist selling spaces as permanent spaces: (a) twelve (12) spaces - Market Street, south side, Sutter and Sansome Streets; and (b) three (3) spaces - Sutter Street, south side, at Market Street; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II **RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: AMENDMENTS TO "BEAD STRINGING CRITERIA** (continued from 3/11 and 4/8/92)

Commissioner Genera reviewed the informal discussion he held with the artists who had attended last month's meeting. He said that while some artists could abuse the criteria by re-selling a purchased string of beads, there were other artists who made their own necklaces even though these were comprised of only one type of bead and may be their best-selling items. The Commissioner said that he could not therefore approve the proposed criteria because, while it would curtail the illegal actions of a few artists, it could cause others to suffer. He went on to say that a street artist has a business to run and not just a craft to make. The Commissioner moved that the proposed amendments to the criteria not be approved.

Commissioner Eichelbaum questioned both Commissioner Genera Program Director Lazar on the arguments that had been presented last month by artists for and against the proposed amendments. The primary question: If an artist strings beads and the result is a necklace which looks identical to that which may be purchased in a store, how can the public - and how can the staff of the Street Artists Program in enforcing the ordinance - discern between what is store-bought and what is constructed by the artist? Commissioner Eichelbaum stated that so long as artists were stringing the beads themselves, this constituted a legitimate craft. The Commissioner asked for comments from the artists.

Street artist John Bass stated that he, a beadstringer, found nothing wrong with the proposed amendments, and that he could live with the amendments. He said the amendments simply made concrete what was implied in the existing criteria. He went on to say that the kinds of beads that most artists buy for their craft are sold on long strands of plastic string; this has made it easy for some beadstringers to simply place a clasp on the ends of the string and sell it as is. In many instances, the strand, being of inferior

string, would break and the customer would return looking for the beadstringer. Mr. Bass felt that a better amendment to the criteria would be one that requires all necklaces to be strung on Aculon-brand string-cable.

Street artist Robert Clark stated that he has a problem with people whom he sees selling the same merchandise as that which they purchased, and he did not see this as being hand-crafted just because they remove the beads from one string and put them on another. He viewed this as being assemblage of mass-produced merchandise. When the Program started, he said, its purpose was for the artist to be able to sell items that the customer couldn't buy from a store. Re-stringing beads, he stressed, was not a skill; you could hire someone with no skill at all and pay him minimum wage to do it. The concept of the Program was to encourage people to be creative and to produce things the public could not buy anywhere else. This was also to protect the stores from having to compete with the same items they sell. As a jeweler, he said, he is prohibited by the Program's criteria from casting from commercially-produced wax rings, even though the casting process in itself is a skill; he has to cast from his own wax creations. If a beadstringer is allowed to re-string the same beads from a strand he purchases and does not have create his own design, then he, Mr. Clark, must be allowed to cast from commercial wax rings he can purchase.

Street artist Tanya Key stated that some of the items she makes are assemblage but that she creates designs with them.

Street artist Edward Steneck re-stated the position he presented to Commissioner Genera 1st month: his work satisfied the ordinance's definition of "handcrafted item" ("an item predominantly created or significantly altered in form by the street artist") by virtue of the fact that his necklaces are completely made by him, using bags of beads, a spool of fishing line, and pliers. While some of his necklaces may be entirely of the same bead and similar in appearance to that which may be purchased from a store, they are nevertheless "predominantly created" - <u>completely</u> created, he emphasized - by him. He refuted the proposed language by the Advisory Committee: <u>"Beadstringing in itself is not considered as fulfilling the definition of a 'hand-crafted item'."</u> He said that it does fulfill the definition and asked that the proposed amendments not be added to the criteria.

Street artist Brenda Weiss told the Commissioners that while

Mr. Steneck made a good point, every craft in the Program has rules to follow, with some crafts having more stringent rules than those for beadstringing. She did not feel that the beadstringers were being singled out. In fact, if the Commissioner was going to to scrutinize the beadstringers, it should also take a hard look at those artists who buy elaborate metal earring-pendants and simply attach three small beads to them.

Street artist Sharon MacDougall emphasized that she and Mr. Steneck did not want to see the Advisory Committee put language into the criteria which would say that beadstringing is not a craft. She did not want it implied that beadstringers were inferior to other artists.

Street artist Sandy Bishop stated that the Street Artists Program has been in existence for twenty years, and she felt that a little change was necessary. There were, she said, many crafts sold on the streets that were not found in Macy's, and there was a need to upgrade the Program; "we need to make it as wonderful as we can."

Street artist Jill Mayberg stated that while she did not want "to wipe anybody out of their existence," there was "definitely a problem with the beads." There was much abuse in the craft. Many of the displays of bead items looked the same, and this has been mentioned to her by customers.

Street artist Poco Young endorsed John Bass's recommendation for an amendment that would simply require a certain type of string.

Mr. Mathew Porkola, Chairman of the Advisory Committee of Street Artists and Craftsmen Examiners, stated that to merely replace cotton thread with monfilament is not changing the design of the store-bought necklace nor "significantly altering the form" of the components. He said that his Committee was not requiring anything extraordinary from the beadstringers. He added that his Committee's proposed amendments were not attempting to change the criteria but to clarify it. He said that it has always been the position of his Committee that the craft of beadstringing is in the design and not in the stringing.

Commissioner Eichelbaum noted that there was more argument presented in favor of restricting the beadstringers to producing more quality work, and the new language seemed to have this in mind while not being significantly different from the original wording. He felt the matter should go

back to committee to come up with wording that would require more quality from the beadstringers.

Program Director Lazar stated that the intent of the Advisory Committee's recommendation was not different from the Advisory Committee's insistence, in their screenings of the artists' wares, that persons who paint or silkscreen on T-shirts create elaborate or unique - non-mediocre - artwork on the shirts in order to "significantly alter the form of the component" which they do not make - namely, the shirt.

Street artist Bruce Allison stated that a decision has to be made between what is assemblage and what is creation of quality. Ultimately, the Art Commission has to make criteria related to quality for the whole Program.

Street artist Millicent Ward stated that while she makes necklaces of multi-strands and multi-type beads, more necklaces she has sold were of the single-strand, same-color variety which was asked for by her customers: "They have a green suit, they want a green necklace; they have a gold suit, they want a gold necklace."

Street artist Diana Manley stated that, as a jeweler, she gets many request for items she will not make because of the criteria - for example, she will not take commercially-produced items to sell. She added that she did not feel "beadstringers have it that rough": she has to take time to design, lay out, and cast her work in her shop which makes it possible for her to sell on the street only one, two, or three days a week; whereas beadstringers can do their work at their stand and can therefore sell every day.

Commissioner Eichelbaum stated he was not in favor of eliminating the work of a particular class of street artist because it was plain-looking. As long as the work is not commercially purchased, and if the beads are selected and put onto another string and a clasp attached, "that constitutes an art piece according to the rules of the Program. ... Just one string of beads that all happen to be alike cannot be thrown out on the basis that they're not artistic enough."

Street artist Brenda Weiss said that it seemed that such an allowance for beadstringers would be discriminating against the silkscreeners of T-shirts. Commissioner Eichelbaum considered this, and then suggested that the proposed amendments be put to a vote of the artists in order to obtain a wider representation of opinion for further study

by the Program Committee.

Commissioner Genera moved to rescind his motion to disapprove the amendments; the motion was seconded by Commissioner Eichelbaum.

Commissioner Eichelbaum moved that the staff obtain an opinion poll of at least 100 street artists on the proposed amendments to the "bead stringing" criteria, that the poll be in the form of a sheet of paper stating the presdent criteria, the proposed amendments, and the question "Do you approve or disapprove of the proposed amendments?" and that such request be disseminated at the street artist lotteries during the summer of 1992, for re-consideration of the matter by the Program Committee; the motion was seconded by Commissioner Genera and unanimously approved.

Commissioner Genera stated his Committee wanted feedback from more artists - beaders and non-beaders - on this issue, and that the proposed poll was just.

Commissioner Genera moved that the item be tabled; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III **HEARING ON RE-ADOPTION OF "BUDDY (SPACE-SHARING) SYSTEM"**
(adopted for trial basis August 6 - November 6,1991)

Commissioner Genera stated that when the "Buddy (Space-Sharing) System" was implemented last fall, he did not receive any objection nor any negative feedback on the system.

Street artist John Bass strongly objected to the system because, he said, it was "legalized squeezing" (between legal spaces), it destroyed the meaning of the artists' space-assignment lottery, and it promoted cliques of artists to force other artists out of their spaces. Artists, he said, will be paying each other to double-up. In addition, the Commission will never be able to get the Police to enforce the space rules. The solution was to obtain more selling spaces.

Street artist Robert Clark said he was the one who proposed the system, and that if there were enough spaces in the lottery, there would be no need for the "Buddy System." Furthermore, he was the one to pressure the Art Commission to end the "squeezing" problem. The "Buddy System" was not the same thing: "All we're doing is to try to get the

artists to work with each other, to help each other, so we can survive the summer."

Street artist Sandy Bishop stated there were times when she was not able to get a space, and it would be a good thing to be able to share a space.

Street artist Bruce Allison said he endorsed the system but that it would have to be monitored to prevent anyone giving his space away. He understood that according to the ruleds of the "Buddy System" the person who obtains the space has to be present at all times while he allows another artist to share it with him.

Street artist Edward Steneck said that while the system was implemented last fall, he did not see any scamming of spaces or abuse of the system. He endorsed it.

Street artist Jill Mayberg endorsed the system.

Commissioner Genera moved that the "Buddy (Space-Sharing) System" be re-adopted on a permanent basis; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

IV NEW BUSINESS

A. Airport Exhibit. Commissioner Genera announced that the photographic exhibit, "Tribute to the 20th Anniversary of the Art Commission's Street Artists Program," opened at the San Francisco International Airport's North Terminal, Gate 62, on Monday, May 11th, and that it would be up for the entire summer and viewed by a potential 8,000 travellers a day.

B. BOMA Support. Commissioner Genera thanked Mr. Walter Finch of the Building Owners and Managers Association for support of the Street Artists Program and stated that he looked forward to working with him on future issues of the Program.

C. Requests by Former Certificateholders for Priority in Issuance of Certificate.

1) **Gary Freed** - Certificate #3650 expired March 15, 1992; his request received April 29, 1992.

2) **Pat Kenison** - Certificate #3881 expired March 13, 1992; her request received April 29, 1992.

3) **Jacques Simmonet** - Certificate #1207 expired February 17, 1992; his request received May 6, 1992.

4) **Giselle Downard** - Certificate #3890 expired March 27, 1992; her request received May 12, 1992.

Commissioner Genera moved that the requests for priority issuance of certificate by Gary Freed, Pat Kenison, Jacques Simmonet, and Giselle Downard, be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

D. Request by Applicant for Priority Issuance of Certificate.

1) **Shelley Williams** - was screened and approved by the Advisory Committee of Street Artists and Craftsmen Examiners on March 26, 1992, but failed to purchase certificate in allotted ten working days.

Commissioner Eichelbaum moved that Ms. Williams's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Genera and unanimously approved.

E. June Meeting of Street Artists Program Committee. Commissioner Genera stated that the June meeting of the Program mittee would be held on the third Wednesday (rather than the second Wednesday), June 17, 1992.

The meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County of San Francisco

THE ARTS COMMISSION OF SAN FRANCISCO

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25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

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JUN 8 1992

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, June 17, 1992
4:00 p.m.
Art Commission Conference Room
Suite 70 (basement area)
25 Van Ness Avenue
San Francisco, California

NOTE: The regularly scheduled meeting of June 10th was rescheduled to **June 17th.**

A G E N D A

I REQUEST FROM STREET ARTISTS PETER WILEY AND KELLY LADAS FOR DESIGNATION OF PERMANENT SELLING SPACES IN DOWN-TOWN-UNION SQUARE AREA (continued from 4/8/92)

A. REQUESTED LOCATION: Post Street, north side, Stockton to Grant (opposite DUNHILL, WATERFORD, GUMP'S)

REQUESTED NUMBER OF SPACES: 6 spaces

PROGRAM STAFF RECOMMENDATIONS: 6 SPACES (5 requiring exemption from regulations):
- 1 space adjacent to red zone (opposite DUNHILL)
- 1 space (opposite DUNHILL) requiring yellow zone exemption
- 1 space (opposite WATERFORD) requiring yellow zone exemption
- 3 spaces (oppposite GUMP'S) requiring yellow zone exemption

B. REQUESTED LOCATION: Geary Street, south side, Stockton to Powell (opposite I. MAGNIN and MACY'S)

REQUESTED NUMBER OF SPACES: 3 spaces

PROGRAM STAFF RECOMMENDATIONS: 3 spaces (2 requiring exemption from regulations):
- 1 space adjacent to no-color curb (opposite I. MAGNIN)
- 1 space (opposite I. MAGNIN) requiring white zone exemption
- 1 space (opposite MACY'S - 239 Geary) requiring white zone exemption

C. REQUESTED LOCATION: O'Farrell Street, north side, Stock-ton to Powell (opposite MACY'S)

REQUESTED NUMBER OF SPACES: 20 to 30 spaces

PROGRAM STAFF RECOMMENDATIONS: 15 spaces (10 requiring exemption from regulations:
- 3 spaces (opposite MACY"S), toward Stockton Street corner, requiring white zone exemption
- 6 spaces (opposite MACY'S), middle of block, adjacent to no-color curb
- 1 space (opposite MACY"S), middle of block, requiring white zone exemption
- 2 spaces (opposite MACY'S), requiring yellow zone exemption
- 3 spaces (opposite MACY'S), toward Powell Street corner), requiring white zone exemption

D. REQUESTED LOCATION: Grant Avenue, west side, Post to Sutter (opposite MAUD FRIZON and SHREVE & CO.)

REQUESTED NUMBER OF SPACES: 2 spaces

PROGRAM STAFF RECOMMENDATIONS: 3 spaces (requiring exemptio from regulations):
- 1 space, nearest Sutter corner, requiring yellow zon and 12'-distance-from-doorway exemptions
- 1 space (opposite MAUD FRIZON) requiring yelow zone and 12'-distance-from-doorway exemptions
- 1 space (opposite SHREVE & CO) requiring yellow zone exemption

E. REQUESTED LOCATION: Grant Avenue, west side, Geary to Post (opposite CRATE & BARREL)

REQUESTED NUMBER OF SPACES: 2 spaces

PROGRAM STAFF RECOMMENDATIONS: 0 spaces

F. REQUESTED LOCATION: Grant Avenue, west side, Geary to Post (opposite BROOKS BROTHERS)

REQUESTED NUMBER OF SPACES: 2 to 4 spaces

PROGRAM STAFF RECOMMENDATIONS: 4 spaces (requiring exemptions from regulations):
- 1 space requiring white zone exemption
- 1 space requiring white zone and 12'-distance-from-doorway exemptions
- 2 spaces requiring yellow zone exemption

G. REQUESTED LOCATION: Post Street, north side, Powell to Stockton (opposite SAKS FIFTH AVENUE)

REQUESTED NUMBER OF SPACES: 3 to 6 spaces

PROGRAM STAFF RECOMMENDATIONS: 5 spaces (3 spaces requiring exemption from regulations):
- 2 spaces (in direction of Powell Street) adjacent to no-color curb
- 2 spaces (in direction of Stockton Street) requiring yellow zone exemption
- 1 space (nearest Powell Street corner) requiring white zone exemption

II REQUEST FROM STREET ARTISTS ENRIQUE MENDOZA AND DIANA MANLEY FOR DESIGNATION OF PERMANENT SELLING SPACES AT HARVEY MILK PLAZA (UPPER LEVEL)

REQUESTED LOCATION: Harvey Milk Plaza (upper level); retaining wall area adjacent to Market Street; curbside area adjacent to Castro Street

REQUESTED NUMBER OF SPACES: 5 spaces

PROGRAM STAFF RECOMMENDATIONS: 1 space in each of two alcoves of retaining wall area; no recommendation for curbside area adjacent to Castro Street (at time of mailing of agenda)- staff surveying area

III NEW BUSINESS

City and County of San Francisco
SF A70.75 #1 8/12/92
SF Art Commission

THE ARTS COMMISSION OF SAN FRANCISCO
25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

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AUG 28 1992
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STREET ARTISTS PROGRAM COMMITTEE

August 12, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Stanley Eichelbaum, Barbara Sklar

Commissioners absent: Daniel Genera, Chairman

Program Director Lazar informed the Commissioners that, due to an emergency, Commissioner Genera was unable to attend the meeting.

Commissioner Eichelbaum welcomed Commissioner Sklar as a member of the Committee.

Commissioner Sklar served as Chair and called the meeting to order at 4:00 p.m.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Catherine Iniquez - Certificate #4053. Program Director Lazar reported that three street artists had informed him that Ms. Iniquez on Thursday, July 2, 1992, at 3:00 p.m.,occupied street artist space "G-6" (Grant Avenue, west side, at Maiden Lane) during an hour which was not authorized for street artist usage because the space was adjacent to a yellow curb zone. "G-6" was available to the artists after 6 p.m. Monday through Saturday and all day Sunday. The Program Director further reported that two weeks prior to the alleged incident, he had personally warned Ms. Iniquez to not use "G-6" during the prohibited hours, and that the Art Commission was in the process of requesting the Board of Supervisors to exempt the space from the yellow zone regulation; Ms. Iniquez had told him she would comply.

Ms. Iniquez stated that she used the space during the prohibited time because other artists had used the space, even though Mr. Lazar had told her not to do so. She said she had been confused.

Street artist David Jones, Ms. Iniquez's family unit member, stated that there was confusion about the space's hours of usage, and that street artist Eunice Rodriguez had told him in May that the Mayor had thirty days to sign the new legislation. He said that Ms. Iniquez had sold during the prohibited time.

Street artist Eunice Rodriguez testified that Ms. Iniquez had been selling in the space during prohibited hours "on and off for several months, and that she, Mrs. Rodriguez, had advised Mr. Jones to tell his partner not to sell there during prohibited hours.

Commissioner Sklar moved that Ms. Iniquez be found in violation of the street artist ordinance by selling in an illegal location, and that Ms. Iniquez's certificate be suspended for one week with a strong warning to refrain from selling in an illegal location; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

B. Vadim Cherner - Certificate #4153. Program Director Lazar reported that, while on inspection duty on Friday, July 10, 1992, he had encountered Officers Mendelke and Albright at Hallidie Plaza who informed him that they had seen Mr. Cherner that afternoon selling metal-enamel lapel-pins at the cablecar turnaround on Market Street at California and Drumm Streets. Mr. Lazar went to the location and photographed the items on Mr. Cherner's display. In April of this year the Program Director had found Mr. Cherner selling such pins at Justin Herman Plaza and had warned him that if he were found selling them again, the Program Director would institute a hearing procedure with the intent to suspend or revoke Mr. Cherner's certificate.

The Commissioners reviewed the photographs submitted.

Mr. Cherner stated that he had told Officer Mendelke that when he left Russia he brought the pins with him, that they were his own design, but that in America he could not afford the equipment to make the items. Officer Mendelke, he said, issued him a citation to appear in court.

Mr. Lazar clarified that the Program was charging Mr. Cherner with two alleged violations: (1) displaying items not of the artist's own creation; and (2) displaying items not certified by the Art Commission. He said that Mr. Cherner had gotten other crafts screened and approved by the Advisory Committee and added to his certificate but had never submitted the lapel-pins for examination.

Commissioner Eichelbaum moved that Mr. Cherner be found in violation of the street artist ordinance by selling items not certified by the Art Commission, and that Mr. Cherner's certificate be suspended for two months; the motion was seconded by Commissioner Sklar and unanimously approved.

C. Juana Andrango - Certificate #4170. Program Director Lazar

stated that on June 18, 1992 he issued a "Report of Alleged Violation of Street Artist Ordinance" to Juana Andrango on Market Street, north side, at Fremont Street, for the following alleged violations: (1) displaying items not of the artist's own creation (cotton-cloth backpacks, woven wristbands, and cotton shirts); (2) displaying items (the foregoing) not certified by the Art Commission; and (3) selling in an illegal location. Mr. Lazar said that, on two occasions prior to the alleged incident, he had warned Ms. Andrango not to sell in any non-designated location, had given her maps of all street artist locations, and had explained to her the street artist lottery procedures for obtaining spaces. Mr. Lazar further reported that on July 10, 1992, after being informed by Officer Mendelke, he photographed Ms. Andrango again selling in an illegal location: Market Street, north side, at Front Street. He submitted photos of both incidents.

Ms. Andrango told the Commissioners that she did not submit the backpacks to the screening committee because she could not bring her machine, and that she did not have time to go to the lottery for spaces.

Commissioner Eichelbaum moved that Ms. Andrango be found in violation of the street artist ordinance by selling in an illegal location, displaying items not of the artist's own creation, and displaying items not certified by the Art Commission, and that Ms. Andrango's certificate be suspended for four months; the motion was seconded by Commissioner Sklar and unanimously approved.

D. Daniel Morales Andrango - Certificate #4217. Program Director Lazar reported that on June 18, 1992 at BART Plaza he issued a "Report of Alleged Violation" to Mr. Andrango for the following alleged violations: (1) displaying items not of the artist's own creation (cotton shirts with labels stating "Handmade in Ecuador 100% Wool" and woven wristbands); and (2) displaying items (the foregoing) not certified by the Art Commission. One week before, on June 11th, Mr. Lazar had found Mr. Andrango at Justin Herman Plaza selling manufactured cotton shirts and cotton-cloth handbags and had warned him that if he were found again selling items he did not make, the Program Director would institute a hearing procedure with the intent to suspend or revoke his certificate. He presented photos of the alleged June 18th incident.

Mr. Andrango was not present. The Committee noted that Mr. Andrango had been informed in writing that, according to the Art Commission's hearing procedure, failure to appear at the hearing "may result in a Program Committee recommendation of

the penalty for the violation(s) of which you have been charged."

Commissioner Eichelbaum moved that Mr. Andrango be found in violation of the street artist ordinance by displaying items not of the artist's own creation and by displaying items not certified by the Art Commission, and that Mr. Andrango's certificate be suspended for two months; the motion was seconded by Commissioner Sklar and unanimously approved.

II RECOMMENDATIONS TO FILL ONE POSITION ON ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

The Committee noted that the term of the position currently occupied by Mathew Porkola, Chairman of the Advisory Committee of Street Artists and Craftsmen Examiners, expired November 27, 1991, and that three candidates had to be submitted to the Mayor for his choice of one to serve from November 27, 1991 to November 27, 1993.

Commissioner Sklar commended Mr. Porkola's contributions to upgrading the Program, particularly his recent efforts in drafting and presenting screening criteria which may improve the quality of street art.

Commissioner Sklar moved that the following candidates be submitted, in order of preference as listed, to the Mayor for the selection of one to serve on the Advisory Committee of Street Artists and Craftsmen Examiners for a term from November 27, 1991 to November 27, 1993: Mathew Porkola, Theodore Cohen, Joye Peters; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUEST BY FORMER CERTIFIATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

John Hulton - Certificate #4144 expired May 10, 1992. It was noted that when Mr. Hulton's request came before the Committee in June, another street artist had protested against Mr. Hulton's being given priority due to his allegedly having sold items not of his own creation and having sold with an expired certificate. As Mr. Hulton had not been present to respond, the Committee had continued the matter to July. Mr. Hulton had then informed the Program that he would be out of town at the time of the July meeting. Mr. Hulton was now present. It was further noted that the Committee's recommendation in this matter would be considered by the full Commission next month, which would be three months after Mr. Hulton had submitted his request. The Program Director informed the Committee that the

present waiting period for an applicant was three months, and that if Mr. Hulton's letter-request last June were to be considered as an application, he would be routinely scheduled for a screening and certification next month.

Commissioner Sklar moved that the date of Mr. Hulton's letter-request (June 12, 1992) for priority in obtaining a certificate be considered as the date of his application; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

The Program Director informed Mr. Hulton that after he receives his new certificate, he would be notified for a hearing on his alleged violation of having sold items not of his own creation during the time of his previous certification.

IV REQUEST FOR POLICY ON WAIVER OF CERTIFICATE FEE FOR DISABLED VETERANS

Program Director Lazar stated that a licensed street artist who is a disabled veteran but whose disability is not service-connected has asked that his certificate fee be waived in keeping with the California veteran's law. The City Attorney's office has clarified that (a) a disability does not have to be service-connected in order to qualify an honorably discharged veteran for waiver of the street artist fee; and (b) the Art Commission is required to waive the fee so long as the veteran meets the requirements of the street artist ordinance and the veteran's law. The City Attorney's office helped the Program Director draft such a policy for adoption by the Commission. Just prior to the Program Committee meeting, however, the Program Director heard from street artist Bill Clark who expressed the view that any veteran who, according to the veteran's law, "is unable to obtain a livelihood by manual labor" could not possibly be a street artist because a street artist, by definition, must make his own "handcrafted" items - "of his own creation" - by his own manual labor, his own hands. Both Mr. Clark and the Program Director felt that the City Attorney should be asked to re-consider whether the Art Commission is required to waive the fee in view of this interpretation of "manual labor."

The Commissioners concurred and asked Mr. Lazar to send the matter back to the City Attorney for a definition of the term "manual labor" and whether it applies to the provisions of the street artist ordinance.

Street artist Bruce Allisonstated that he did not see how waiving the fee could apply to the Street Artists Program, as

the cost would not be covered by the City's general fund but would be shared by - and be a burden to - the other street artists who, through their fees, support the Program entirely. He questioned whether the veteran's law applied to a licensing program who receives no general fund money.

Street artist Edward Steneck stated that he had spoken to a number of veterans in the Program and most were appalled by the request. Furthermore, he did not feel that the cost of a street artist certificate, which, he said, was 95¢ a day, could be a problem for any street artist. He said that the thought of subsidizing another street artist to be in the Program was disgraceful.

V **POLICY PROVIDING FOR ENUMERATED LENGTH OF TIME BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE (referred by Art Commission to Committee on 8/3/92)**

At the Art Commission meeting of August 3, 1992, the request by Fernando Hechavarria, a street artist revokee, for a new certificate was sent back to the Program Committee with the directive to draft a policy, in keeping with the City Attorney's advice, which would enumerate the lengths of time after an artist's revocation during which the Commission would not consider the artist's application for a new certificate, as well as a "final revocation" after which there would be no further consideration.

The Program Director proposed that the Commission adopt a policy of one year between revocation and consideration of a revokee's application for new certificate: such a policy could provide opportunity for an artist to change for the better, and it would not undermine the Commission's enforcement posture. To grant a new certificate earlier than a year after revocation could tempt other artists to break the law.

Commissioner Sklar stated she did not want to adopt a policy until it could could be heard by a full Committee.

Street artist Diana Manley said that such a policy should require "proof of change" in the revokee's behavior.

Street artist Jesse Rodriguez said that he felt a year's duration was fair.

Street artist Edward Steneck said that, for violent crimes, there should be at least a year for the revocation to make sense.

Street artist Bruce Allison endorsed a year's duration and said that there should be a special screening of the revokee by the Program Committee.

Street artist Sandra Bishop said that flexibility should be prescribed - for example, a duration of one to three years, so that the Commission could apply this on a case-by-case basis.

Commissioner Eichelbaum moved that the Program Director draft and submit a policy providing for a minimum of one year between revocation of a street artist's certificate and consideration of the artist's application for new certificate and providing for a second revocation to be final, as well as other provisions just heard by the Committee from the artists; the motion was seconded by Commissioner Sklar and unanimously approved.

VI DISCUSSION ON MAINTAINING CURRENT CERTIFICATE FEE (referred by Art Commission to Committee on 8/3/92)

Commissioner Eichelbaum stated that his Committee had voted to reduce the fee because the law implied that if the Program had a surplus of funds, the fee would have to be reduced to an amount necessary to support the Program.

Commissioner Sklar stated that, after the Program Committee meeting, the Art Commission's Finance Committee held its meeting and heard that the Street Artists Program would be accumulating some surplus money which the Commissioners now wanted to see used for the benefit of the street artists - as, for example, better identification-signage on the displays.

Street artist Bill Clark stated that while the Charter and the ballot initiative say that the fee shall be based strictly on the Art Commission's management and enforcement costs of the street artist ordinance, he had no problem with maintaining the current fee in order to see what the surplus and the Program's finances will be for next year.

Street artist Larry Rosenbloom presented a petition signed, he said, by 110 street artists during the previous three days, pressing concern over "how often we get to sell." He asked that the Commission poll the artists on how big the number of artists attending their lottery for spaces should be.

Commissioner Sklar responded that the Commission's Long Range Planning Committee has the Street Artists Program as one of its priorities and is trying to evaluate the worthiness of the various spaces.

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Commissioner Sklar responded that the Commission's Long Range Planning Committee has the Street Artists Program as one of its priorities and is trying to evaluate the worthiness of the various spaces.

Street artist Eunice Rodriguez stated that she has been in the Program for 16½ years and has never had a problem getting a selling space. There is a recession to consider which has affected the Program as it has all business.

Mr. Clark stated that while there are many street artists who do not want to see more artists in the Program, the law does not give the Commission authority to limit their number.

Street artist Bruce Allison said that the Program should maintain a surplus of funds to cover any shortfall or to use for administrative reasons.

Commissioner Eichelbaum moved that the July 8, 1992 Program Committee recommendation to reduce the street artist fee be rescinded and that the current fee of $87.50 per quarter or $350 per year be maintained; the motion was seconded by Commissioner Sklar and unanimously approved.

VII REQUEST BY FORMER CERTIFICATE-HOLDER FOR WAIVER OF 10-DAY POLICY ON PURCHASING CERTIFICATE

Giselle Downard - On June 9, 1992 the Art Commission approved Ms. Downard for priority in issuance of certificate, but she exceeded the policy of allotting ten working days to pay for her certificate, as she went out of town. Commissioner Sklar moved that the 10-day policy be waived to enable Ms. Downard to purchase her certificate; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

VIII NEW BUSINESS

A. Auxiliary Spaces. Street artist Bill Clark proposed that when the Committee considers new spaces, as the upcoming hearing on Christmas spaces, the Committee should consider recommending a number of "auxiliary spaces" which would be occupied only when a certain number of artists attending the lottery for spaces is reached. He asked that this be calendared for the next Program Committee meeting.

B. Grants for the Arts. Street artist Robert Clark asked that the Commission write to Grants for the Arts for the Street Artists Program.

Commissioner Eichelbaum moved that the meeting be adjourned; the motion was seconded by Commissioner Sklar and unaimously approved. The meeting adjourned at 5:55 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County of San Francisco

THE ARTS COMMISSION OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

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STREET ARTISTS PROGRAM COMMITTEE

September 9, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Daniel Genera, Stanley Eichelbaum, Genny Lim

Commissioners absent: Barbara Sklar

Commissioner Genera, Chairman, called the meeting to order at 4:08 p.m.

Commissioners Genera and Eichelbaum welcomed Commissioner Lim as a member of the Committee.

I AUTHORIZATION FOR DIRECTOR OF CULTURAL AFFAIRS TO REQUEST RECREATION-PARK COMMISSION TO CONTINUE ITS AUTHORIZATION FOR STREET ARTISTS TO SELL IN JUSTIN HERMAN PLAZA DURING 1993

Program Director Lazar explained that Justin Herman Plaza was designated twenty years ago by the Board of Supervisors as a street artist selling area, but because it fell within the jurisdiction of a commission, it required the approval of that commission - in this case, the Recreation-Park Commission. Until this year, a group of street artists who sell regularly at the Plaza would write to the Superintendent of Recreation for each of the past twenty years, requesting permission to use the Plaza; the Superintendent would respond in writing with permission. This year, however, the artist who last wrote to Rec-Park said she no longer wanted to continue doing so and asked that the Art Commission write to Rec-Park on behalf of the artists.

Commissioner Genera moved that the Director of Cultural Affairs be authorized to request the Recreation-Park Commission to continue its authorization for street artists to sell in Justin Herman Plaza during the year 1993; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

II HEARING ON PROPOSAL BY PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF TEMPORARY SELLING SPACES FOR STREET ARTISTS IN DOWNTOWN AREA FOR CHRISTMAS SEASON, 1992-93

Program Director's Proposal: the same spaces approved

by Board of Supervisors last year (Res. 981-91) with the exception of 12 spaces on Market Street (south side) 2nd to 1st Streets, and 7 spaces on Sutter Street (3 on south side, 4 on north side by BART entrance) at Market Street; total number requested: 52; duration of temporary usage: November 15, 1992 - January 15, 1993 (same time period designated as for the last two years).

Program Director Lazar stated that for the second consecutive year his proposal for Christmas spaces did not include any new spaces; in fact, the current proposal deleted 4 spaces by the BART entrance on Sutter Street due to Citicorp's protest several months agao when these 4 were being considered for permanent designation. In addition, the current proposal deleted 12 spaces on Market Street (by the Chevron building) and 3 spaces on Sutter Street (south side) at Market Street, as these have been submitted by the Commission to the Board of Supervisors for permenent designation.

The Program Director went on to report that 35 merchants and organizations in the Downtown-Union Square area had been notified of today's meeting, and Mr. Edward Lawson, Executive Director of the Union Square Association, had been sent the maps of last year's spaces. Mr. Lazar spoke with Mr. Lawson about the current proposal, and Mr. Lawson, he said, had expressed no opposition. In addition, Mr. Lazar received a telephone call from Mr. Jon Handlery, Vice President and General Manager of the Handlery Union Square Hotel, who expressed his thanks to the Art Commission and the Program Director for showing much consideration and sensitivity to the merchants by not proposing any new Christmas spaces.

Commissioner Genera reported that he, too, had spoken with Mr. Lawson and also with Mr. Walter Finch, Executive Assistant of BOMA, and neither had expressed objection to the proposal.

It was noted that no store merchants or representatives of the Downtown-Union Square area were present.

Commissioner Genera moved that the Program Director's proposal for street artists in the Downtown area for the Christmas season of 1992-93 be approved and submitted to the Board of Supervisors; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY ISSUANCE OF CERTIFICATE

A. **Barbara Pope** - Certificate # 3846 expired on February 8, 1992; Ms. Pope's request for priority was received by the Program on August 6, 1992. Ms. Pope submitted letters doctors verifying the condition of her daughters which necessitated Ms. Pope's leaving the Programseven months before. She asked that the Commissioners keep the contents of the letters confidential. She further stated that, if approved for a new certificate, she would sell only that which had already been approved by the Commission.

Commissioner Genera moved that Ms. Pope's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

Commissioner Genera moved that a re-screening of Ms. Pope's wares be waived; the motion was seconded by Commissioner Lim and unanimously approved.

B. **Douglas Merritt** - Certificate # 3535 expired on July 30, 1991; Mr. Merritt's request for priority was received by the Program on August 21, 1992. Mr. Merritt appeared. Commissioner Eichelbaum moved that Mr. Merritt's request be approved; the motion was seconded by Commissioner Lim and unanimously approved.

C. **Darlene Pyeatt** - Certificate # 4195 expired on August 8, 1992; Ms. Pyeatt's request for priority was received by by the Program on September 8, 1992. Commissioner Genera moved that Ms. Pyeatt's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

D. **Lucinda Page** - Certificate # 4076 expired on August 13, 1992; Ms. Page's request for priority was received on September 9, 1992. Commissioner Genera moved that Ms. Page's request be approved; the motion was seconded by Commissioner Eichelbaum and unanimously approved.

E. **Chuck Penticoff** - Certificate expired on September 24, 1983; Mr. Penticoff's request was received on September 8, 1992, along with his application for a new certificate dated "July 30, 1992."

Commissioner Lim stated that since the waiting period for an applicant for a certificate was only three months

long, Mr. Penticoff should wait in line. Commissioner Genera, as well, did not feel that priority should be granted in this case, as ten years had gone by since the expiration of Mr. Penticoff's certificate. Commissioner Eichelbaum, however, stated that Mr. Penticoff's having been a street artist should be considered.

Commissioner Genera moved that Mr. Penticoff's request for priority be disapproved; the motion was seconded by Commissioner Lim. The Committee voted on the motion, as follows: Aye - Genera, Lim; No - Eichelbaum.

Mr. Penticoff told the Committee that he had placed his recent application in the mail last July but had forgotten to put the Art Commission's address on the envelope, and it had been returned to him. He could produce the envelope for the Committee. The Commissioners acknowledged that had the Program received his application in July, he would be scheduled for a screening of his wares and certification at the end of October.

Commissioner Lim moved to rescind the previous motion; the motion was seconded by Commissioner Genera and unanimously approved.

Commissioner Lim moved that Mr. Penticoff's request for priority issuance of certificate be approved contingent on his submission of his original envelope as evidence of his having submitted application in July, 1992; the motion was seconded by Commissioner Genera and unanimously approved.

IV NEW BUSINESS

A. **Priority certification of former certificate-holders.** Street artist Robert Clark asked that, at some time in the future, the policy on granting priority issuance of certificate to former certificate-holders be calendared for review and discussion.

B. **October, November, December meetings.** As the schedules of the Commissioners could not accommodate the next regularly scheduled Committee meeting, the Chairman stated that there would be no meeting in October, and that the next meeting would be scheduled for Wednesday, November 11th. This meeting, he said, would be comprised of hearings on alleged street artist violations.

The Chairman further stated that for the December meeting the Committee would hear introductory presentations of two proposals submitted by street artists Robert and William Clark: (a) a proposal for designating, when necessary, certain "auxialiary" spaces to be used by the artists only when their lottery for spaces reaches a specific, large number of participants; and (b) a proposal for a "punch card system" to be used by the Lottery in assigning spaces.

C. **Number of certificate-holders.** Street artist Larry Rosenbloom asked that the Commission do a survey of the street artists' opinion on how many artists should be in their Program. He also asked that the Commission "keep an open mind" in monitoring the lottery size in order to consider slowing down the screening of applicants for certificates. Mr. Rosenbloom volunteered to do the survey himself. He also asked that the Commission allow for street artist involvement in the design of their signange as proposed recently by the Commission's Finance Committee.

In response to Mr. Rosenbloom's statements, street artist William Clark asserted that the number of participants at the lottery would be reduced if his "punch card system" were adopted. Furthermore, he stated that a surplus of fee revenue will not be known until the end of the fiscal year, and this will depend on how many applicants show up for their screenings during the year and how long they stay in the Program; therefore, to consider lowering the number of certificate-holders was not appropriate. Mr. Clark went on to say that he felt that what the Commission was doing was "to leave things as they are" in order to see how much surplus money the Program will accumulate in six months.

The meeting adjourned at 5:07 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

Thursday, November 12, 1992
4:00 p.m.

Art Commission Conference Room
25 Van Ness Avenue
Suite 70 (basement area)
San Francisco, California

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A G E N D A

I REPORT BY PROGRAM DIRECTOR ON STREET ARTISTS PROGRAM

A. Screening/licensing procedures

B. Space assignment procedures

C. Violation hearing procedure; penalties for violations

D. Major achievements during 1991-92

E. Status of Art Commission requests for selling spaces

1) Christmas spaces (52)

2) Harvey Milk Plaza spaces (8)

3) Market Street, south side, Sutter to Sansome (12); Sutter Street, south side, at Market (3)

G. Issues of the Street Artists Program (from 7/1/92 Long Range Planning Committee meeting)

II REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING AND CERTIFICATION

A. Norbert Kozma - request for postponement to October, 1993.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Luzviminda Garbin - Certificate # 4058 expired September 16, 1992; request for priority was received by office on November 4, 1992.

B. Richard Burke - Certificate # 3945 expired September 8, 1991; request was received November 3, 1992.

IV NEW BUSINESS

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SF Arts Commission

STREET ARTISTS PROGRAM COMMITTEE

November 12, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Aristides Demetrios, Terri Simon, Liza Zenni

Commissioners absent: Genny Lim

Commissioner Demetrios, Chairman, called the meeting to order at 4:10 p.m. and asked Program Director Howard Lazar to report on the procedures of the Program as well as the status of various projects.

I REPORT BY PROGRAM DIRECTOR ON STREET ARTISTS PROGRAM

Program Director Lazar welcomed the Commissioners to the Committee and explained in detail the following procedures: screening of wares/licensing of the artists; selling-space assignment procedures (street artist lotteries); violation hearing procedure and the Art Commission's standard penalties for violations of the street artist ordinance.

The Program Director listed the Program's major achievements during the previous fiscal year: (1) The Program reached its 20th year and celebrated this anniversary with a photographic exhibit sponsored by the Airports Commission and running for four months at the San Francisco International Airport; (2) Mayor Agnos issued a proclamation recognizing the cultural and economic achievements of the street artists and designating November 1, 1991 as "STREET ARTISTS DAY IN SAN FRANCISCO"; (3) the Program was awarded a special exhibition area in the Harvest Festival, the nation's largest indoor crafts show, with 10 street artists receiving "Street Artist of the Year" awards for their exceptional skills and free booth space to exhibit and sell their crafts; (4) last year was the 10th consecutive year in which the Program requsted and received from the Board of Supervisors additional temporary selling spaces for the artists during the Christmas season; (5) the Program requested and received 2 permanent - and prime - selling spaces in the most profitable location for the artists at Fisherman's Wharf: Beach Street at Hyde; and (6) the Program continued to license - and, in effect, provide jobs for - 480 street artists during the year.

The Program Director reported on the status of the following three projects, requests from the artists for additional spaces:

Christmas spaces - For the 11th consecutive year, the Board of Supervisors and the Mayor approved the Art Commission's request for temporary selling spaces during the Christmas season in the Downtown area. For this season, 51 spaces were approved and will be available for use from November 15, 1992 to January 15, 1993.

Harvey Milk Plaza spaces - The Commission's Director of Cultural Affairs, Joanne Chow Winship, has spoken and written to the Public Utilities Commission's General Manager, Thomas Elzey, requesting his reconsideration of the Art Commission's request for 8 permanent spaces (4 in the upper level, 4 in the lower level) at Harvey Milk Plaza, and is awaiting his reply.

Market Street, south side, Sutter to Sansome; Sutter Street, south side, at Market - On November 2nd, Mr. Lazar and five street artists negotiated with representatives of the Chevron Building, First Market Tower (housing Pacific Gas and Electric), and the Flatiron Building in a meeting conducted by Executive Director Carolyn Diamond of the Greater Market Street Development Association, and the following compromise was reached: 3 of the Art Commission's requested 12 spaces adjacent to Chevron and PGE would be eliminated, 5 of the remaining 9 would be requested for designation for 6 months subject to review by the Board of Supervisors, and the remaining 4 spaces would be requested as additional temporary Christmas spaces; the 3 spaces requested near the Flatiron Building would also be for Christmas (with strong possibility for future permanency); and, lastly, a "hold harmless" clause for the management and owners of the buildings adjacent to the spaces would be added to the resolution. Mr. Lazar re-drafted the resolution, with the help of the City Attorney, and submitted it as an amendment of the whole for a hearing before the Board of Supervisors' City Services Committee scheduled for November 17th. If all goes well, these designations should be available to the artists by December 1st.

Mr. Lazar stated the major recommendations summarized by the Commissioners at the Commission's Long Range Planning Committee's review of the Street Artists Program on July 1, 1992 (from the Committee's minutes):

1) "Rather than lowering the fee or granting rebates, give the artists more than a selling space for their money." (Signage had been discussed for the artists' displays in order to clearly identify them from the displays of illegal vendors. In addition, the Commission had recently approved the usage of street artist fees to fund the Police Department in enforcing the street artist ordinance in the Downtown area this Christmas season - primarily to enforce the law against the influxes of illegal vendors who obstruct the sidewalks, sell unauthorized goods, and penalize the licensed artists and store merchants who are required to pay taxes and other expenses.)

2) "The Advisory Committee" (of Street Artists and Craftsmen Examiners) "must take the initiative to define the 'quality' of work screened into the Program."

3) "Some statistics are needed, e.g.,: How many of the total selling are really the best artists? What percentage of the artists are represented in different craft media? What item is most in demand by the public that is sold by the street artists?"

4) "When asking the Board of Supervisors for more spaces, try the approach of trading non-viable selling spaces for new ones, rather than asking for more and more."

5) "Look into future spaces in the newly developed Yerba Buena area."

II REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING AND CERTIFICATION

A. **Norbert Kozma** - request for postponement to October, 1993. Commissioner Zenni moved that Mr. Kozma's request for postponement be approved; the motion was seconded by Commissioner Simon and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Luzviminda Garbin** - Certificate #4058 expired September 16, 1992; her request for priority was received by the Program office on November 4, 1992. Commissioner Zenni moved that Ms. Garbin's request be approved; the motion was seconded by Commissioner Simon and unanimously approved.

B. **Richard Burke** - Certificate #3945 expired September 8, 1991; his request for priority was received by the Program office on November 3, 1992. Mr. Burke told the Commissioners that he inadvertently let his license expire last year, that his wife had a baby, and that "the attendant pre-natal care and maternity expenses prevented me from re-applying until now" for a license. He also asked, should he be granted priority, that the requirement of re-screening his wares be waived since he would be selling the same items and he wished to participate in the Christmas selling season as soon as possible. Street Artist Edward Steneck spoke about the high quality pf Mr. Burke's dyed and silkscreened clothing. Commissioner Simon moved that Mr. Burke's request for priority be approved with waiver of screening of his craft; the motion was seconded by Commissioner Zenni and unanimously approved.

III NEW BUSINESS

Chairman Demetrios invited the artists attending to express their views on the Program.

Lower-Number-of-Artists Issue. Street Artist James Milard asked that, whenever any new policy change is to be considered, the Program Director print the proposal as a flyer to be districuted among the artists at their lotteries and then, while on street inspection duty, to sample the opinion of each artist. Mr. Millard also raised the issue of the number of license-holders in the Program and said that there were only 65 prime selling spaces at the Wharf, while the lotteries attracted 200 participants on the weekend: he wanted to see the Program send out fewer notices to new applicants for screening and licensing of their wares. He added that the Program requires only 400 artists to balance its budget. In response to a question put forth by Chairman Demetrios, Mr. Millard said he participates in the lottery and sells every Friday and weekend.

Street Artist Larry Rosenbloom stated that the Program Director should consider the size of the lottery before sending out notices to new applicants. He added that since there was no longer the pressure to balance the Program's budget, the number of applicants for each screening should be lowered.

Program Director Lazar clarified that while 60 to 70

applicants are notified each month, only 15 to 20 appear for their screening, and, of these, not all are approved. At the same time, they replace roughly the same number of license-holders who drop out of the Program each month. The number of artists, therefore, has been maintained at 480 - 500 throughout the past 12 months. Mr. Lazar went on to say that it was important for the Program to continue with the present number of artists in order to maintain the surplus of fees necessary to cover the costs of the signage requested by the Commission and the special Police enforcement for this winter and - if this is cost-effective - for next summer as well. (In addition, it was vital to hold in reserve enough funds to cover at least one month's operational costs in an emergency.)

In response to a question put forth by Commissioner Zenni, Mr. Lazar said that it would be possible to implement Mr. Millard's flyer-survey suggestion.

Chairman Demetrios clarified that any proposal from an artist should come first to his Committee who would then consider authorizing the Program Director to implement a flyer and survey in order to report the information to the Committee.

Lottery. Street Artist Edward Steneck stated that he and the majority of the artists were adamant against changing the present lottery space-assignment procedure. He said he knew of only two artists who wanted to do so.

Renewal Procedure. Commissioner Zenni said that the Committee may wish to consider strengthening the license renewal policy, so that persons who allow their licenses to lapse for three months would not necessarily be boosted above the waiting list of applicants for a new license.

Enforcement/Funding for Enforcement. Street Artist James Millard stated that he did not see the necessity for spending the Program's funds on Police enforcement; he said Mr. Lazar's inspection duty on the streets for just two days a week was a sufficient deterrent against illegal vendors.

Commissioner Simon responded that it was the unlicensed vendors who were taking money away from the street artists, and that what was needed was someone who has the authority to remove them and make them stay away.

Both Street Artists Edward Steneck and Larry Rosenbloom told

told the Commissioners that they would be willing to pay a much higher license fee to cover the cost of Police enforcement against the illegals and to let the number of license-holders drop. Mr. Steneck said he would pay $600 a year for this.

Street Artist Kristina Peterson said she would be willing to pay $30 more in fees if it meant she could get more opportunity for spaces.

Commissioner Zenni moved that the meeting be adjourned; the motion was seconded by Commissioner Simon and unanimously approved.

The meeting adjourned at 6:05 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

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SF Arts Commission

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, December 9, 1992
4:00 p.m.

Art Commission Conference Room
Suite 70 (basement area)
25 Van Ness Avenue
San Francisco, California

A G E N D A

I HEARING TO CONSIDER REQUESTING BOARD OF SUPERVISORS TO REDESIGNATE FOR ANOTHER SIX MONTHS TWO SELLING SPACES FOR STREET ARTISTS ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET

(NOTE: As per Board of Supervisors Resolution No. 940-91, the above two spaces were designated on October 28, 1991 subject to review by the Board every six months, beginning in May of 1992 and ending in May of 1993. The purpose of such reviews are to determine whether or not the two designations endanger the public, result in congested pedestrian traffic in the immediate area, or threaten the continuation of City permits of any other and, especially, any pre-existing permit-holders in the immediate area. On July 14, 1992, the Board of Supervisors, in Resolution No. 618-92, redesignated the two spaces for six months.)

II REPORT BY PROGRAM DIRECTOR ON STATUS OF REQUESTS FOR SELLING SPACES

A. Market Street, south side, Sutter to Sansome Streets; Sutter Street, south side, at Market Street - 12 spaces.

B. Harvey Milk Plaza - 7 spaces.

III REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Arleen Scoggins - request for postponement until October, 1993.

IV NEW BUSINESS

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n Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

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SF Arts Commission

STREET ARTISTS PROGRAM COMMITTEE

December 8, 1992
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

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M I N U T E S

Commissioners present: Aristides Demetrios, Terri Simon, Liza Zenni

Commissioners absent: Genny Lim

Staff present: Director of Cultural Affairs Joanne Chow Winship
Director of Street Artists Program Howard Lazar

Commissioner Demetrios, Chairman, called the meeting to order at 4:00 p.m.

I REPORT ON SPECIAL LAW ENFORCEMENT SERVICE (S.F.P.D.) FOR STREET ARTISTS PROGRAM

Program Director Lazar reported that an officer of the San Francisco Police Department, whose time was being paid for by the street artist certificate fees as per Art Commission resolution, commenced enforcing the street artist ordinance in the Union Square area today. The officer, Kirk Brookbush, telephoned Mr. Lazar at 1:30 p.m. to report that he had verified that all street artists were in their legal locations, had seen their lottery space-assignment slips, had found a former street artist selling and had confiscated his certificate whose date had been forged, and had cited and confiscated the merchandise of an unlicensed vendor who sold foam rubber antlers - all this during Brookbush's first two hours on assignment. Mr. Lazar asked him to keep a log-book and to receive a copy of it at the end of the project. Sharing the days of the assignment with Brookbush will be two other officers.

The Program Director further reported that, in the course of a conversation he had with the Police Department's accountant who is handling the Art Commission's work order for this special enforcement, it was discovered that the Police Department's original cost estimate included a 22.6% overhead charge which was not supposed to be levied on "sister agencies" but on outside companies like motion picture companies. With the removal of this charge, therefore, the project will cost not $5,100 but $4,200.

Mr. Lazar also reported that in his recent draft of next

year's Program budget he included $10,000 to cover the costs of the Police Department's Special Law Enforcement Services to enforce the ordinance on weekends during summer at Fisherman's Wharf and almost daily during the Christmas season in the Downtown-Union Square area.

In addition to the current special enforcement, the Program Director, at the request of the Commission's Finance Committee, asked the Reproduction Bureau to print 8½ x 11" card stock signs bearing the words (in bold): "**STREET ARTIST Licensed by San Francisco Art Commission**" to be displayed by the artists. This will help the Christmas buyers to readily discern the legal artists from the illegal vendors.

Street Artist Bill Clark asked that the Street Artists Program look into whether it can receive a portion of the fines paid by illegal vendors cited by the officers hired by the Program.

Commissioner Demetrios noted that, with the $900 savings in the work order with the Police, it would be beneficial to apply this money to random Police inspections over the next few months. This would send a message out to the streets that the Art Commission was maintaining its vigilance throughout the year.

Commissioner Zenni moved that Art Commission Resolution No. 1102-92-433, authorizing an amount not to exceed $5,100 from the Street Artists Program to fund the Police Department for enforcing the street artist ordinance during December, 1992, be modified to extend the Police Department's enforcement of the street artist ordinance to the end of the current fiscal year; the motion was seconded by Commissioner Simon and unanimously approved.

II **HEARING TO CONSIDER REQUESTING BOARD OF SUPERVISORS TO RE-DESIGNATE FOR ANOTHER SIX MONTHS TWO SELLING SPACES FOR STREET ARTISTS ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET**

Program Director Lazar showed the Commissioners a map of the street artist spaces on Beach Street and explained that, as per Board of Supervisors Resolution No. 940-91, two additional spaces were designated on the northwest corner of Beach Street, at Hyde, on October 28, 1991, subject to review by the Board every six months, beginning in May, 1992, and ending in May, 1993. The purposes of the reviews are to determine whether the two designations endanger the

public, result in congested pedestrian traffic in the immediate area, or threaten the continuation of City permits of any other and especially any pre-existing permit-holders in the immediate area. On July 14, 1992, the Board of Supervisors, in Resolution No. 618-92, redesignated the two spaces for six months.

The Program Director reported that during and after last summer he received no complaints or reports of problems in reference to the two spaces. The pre-existing permit-holder Stanley Roth whose hot dog stand is opposite the spaces was notified of this hearing. Also notified was the Executive Secretary of the Fisherman's Wharf Merchants Association, Alessandro Baccari. Mr. Roth and Mr. Baccari were not present.

Commissioner Zenni moved that the Board of Supervisors be requested to redesignate for another six months the two selling spaces for street artists on Beach Street, northwest corner, at Hyde Street; the motion was seconded by Commissioner Simon and unanimously approved.

III REPORT ON STATUS OF REQUESTS FOR SELLING SPACES

A. **Market Street, south side, Sutter to Sansome Streets; Sutter Street, south side, at Market Street - 12 spaces.** The Program Director reported that these spaces were approved by the Board of Supervisors and signed into law by the Mayor. For the Christmas season, there are now 12 additional spaces for the artists to use, and 5 of these will continue in use for 6 months and are subject to re-negotiation.

B. **Harvey Milk Plaza - 7 spaces.** The Program Director thanked Director of Cultural Affairs Joanne Chow Winship for her effort in convincing Public Utilities Commission General Manager Thomas Elzey to calendar the Art Commission's request before his Commission. The PUC staff recommended 7, rather than the requested 8, spaces, and recommended a temporary use period of December 1, 1992 through February 28, 1993, rather than the requested permanent designation. The staff recommendation was approved at the PUC meeting on November 24th. Mr. Lazar submitted the item to Supervisor Hallinan for immediate adoption by the Board of Supervisors; the Board approved it unanimously on December 7th. The item was now awaiting the Mayor's signature.

IV REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. **Arleen Scoggins** - request of postponement until October, 1993. Commissioner Zenni moved that Ms. Scoggins' request be approved; the motion was seconded by Commissioner Simon and unanimously approved.

V NEW BUSINESS

A. **Discussion on new policies re: certificate renewal and granting priority for new certificates to former certificate-holders.** Commissioner Demetrios stated that he wished to strengthen the Commission's policies on certificate renewal and the granting of new certificates to former certificate-holders, above the waiting list of applicants. He wanted to see new policies proposed, then taken to the artists for a consensus, and their opinion reported back to the Committee.

Commissioner Zenni said that the Committee would have to look into whether it is fair for an artist who allows their certificate to expire - even for health or other major reasons - to be given priority issuance of a new certificate.

Program Director Lazar said that for the past year the waiting list for certificates has been only two months. Considering that a request for priority takes about a month and a half for Committee and Commission action, it was, for many cases moot as to whether they were entitled to priority issuance. The Committee, he said, may wish to consider a policy of priority issuance related to the current backlog of applicants - for example, cases of priority requests would not be heard if the backlog were only two or three months long.

Commissioner Demetrios said that he wanted to obtain a consensus from the artists as to what was fair.

Street artist Bill Clark told the Commissioners that when the Program started, it was the intent of the artists to have only a quarterly certificate to enable any artist to take time off and come back and receive a new certificate. He felt that if an artist dropped out for three months, the artist should be allowed to return automatically to the Program so long as the artist would be selling the same items that were initially approved. He did not feel it was fair to former

certificate-holders to have to plead their requests for priority issuance before the Commissioners.

Commissioner Zenni said that the view received by the Committee from the artists who attended the previous month's meeting was that there were too many artists in the Program whop restricted the opportunity of obtaining viable selling spaces. These artists recommended that the Commission lower the number of artists and raise the fees to make up the income.

Mr. Clark responded that it was a group of artists who are able to sell seven days a week and want to see the number of artists drop, and that number would be comprised primarily of those artists whose crafts necessitate time away from the streets for their creation. The question, then, would remain: Who would be the ones left in the Program? He went on to say that originally the artists' lottery was set up when it was understood that all artists had to spend two or three days a week in their workshops creating their crafts, and the available selling spaces, therefore, would be shared evenly. Now, however, a group of artists - primarily beadstringers - whose craft allows them to sell every day are driving out the very people who had established the Program and its lottery system. Mr. Clark said that the Committee may wish to consider a proposal he had submitted previously: the Commission could ask for additional selling spaces that would, by law, be available for use only on days when the lottery attendance exceeded a certain number.

Commissioner Demetrios asked that his Committee be sent the text of the street artist ordinance and major relative opinions of the City Attorney, as well as a memorandum from Mr. Lazar giving his interpretation of what the Commission can and cannot do under the present street artist law. Mr. Lazar said he would furnish these.

Commissioner Demetrios stated that for next month's agenda he wanted to calendar a hearing on proposals for policy on priority issuance of certificate and a discussion on the Art Commission's powers under the current street artist ordinance. In the future - February or March - the Committee would deal with other issues.

B. **Requests by former certificate-holders for priority issuance of certificate (requests received after publication of agenda):**

1) **Eve Mendelson** - Certificate # 4204 expired August 28, 1992; request received December 1, 1992. According to Ms. Mendelson's letter, she had inadvertently let her certificate expire because she thought she had paid for it for a year, as she had done previously.

Commissioner Simon stated that artists who do not look at the expiration date of their certificate cause more work for staff and Commissioners; she, for one, would like to see a more stringent policy on priority issuance which would save time in the long run and would allow the Commission to spend time on more important issues.

Commissioner Demetrios stated that he would recommend in his Committee Report at the next meeting of the full Commission that Ms. Mendelson's request be disapproved.

Commissioner Zenni asked that Ms. Mendelson be informed of what will be recommended, and that she be sent an application for a new certificate.

2) **Penny Valle** - Certificate # 3785 expired April 8, 1992; request received December 2, 1992. Ms. Valle had submitted a letter from a medical doctor who verified Ms. Valle's illness and requested consideration for her. Commissioner Demetrios said he would recommend to the full Commission that Ms. Valle's request be approved.

The meeting adjourned at 5:20 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program